1. These minutes are due to be confirmed on 20 March 2019
2. Any decision included in these minutes is subject to change resulting from a rescission motion passed by Council.
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Meeting commenced
The meeting commenced at 5.00pm

Acknowledgement: Cr Geoff Ellis read the acknowledgement.
Statement: Cr Bruce Kent read the Councillor Statement.

A Present and Apologies

Councillors: Cr Brett Tessari, Bunurong Ward (Mayor)
Cr Bruce Kent, Western Port Ward (Deputy Mayor)
Cr Julian Brown, Bunurong Ward
Cr Les Larke, Bunurong Ward
Cr Pamela Rothfield, Island Ward
Cr Michael Whelan, Island Ward
Cr Geoff Ellis, Western Port Ward
Cr Clare Le Serve, Western Port Ward

Officers in Attendance:
Ms Ali Wastie, Chief Executive Officer
Mr Mark Brady, General Manager Corporate and Community
Ms Felicity Sist, General Manager Infrastructure and Environment
Ms Allison Jones, General Manager Advocacy, Economy and Liveability
Ms Sharon Fowles, Manager Governance and Information Services
Mrs Lee-Anne Harmer, Governance Officer

Apologies: Cr Stephen Fullarton, Island Ward
B  Declarations of Interest

Cr Julian Brown declared a Conflict of Interest in agenda item H.3 under section 78 of the Local Government Act 1989.
C Confirmation of Minutes

C.1 Ordinary Meeting held on 19 December 2018

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Geoff Ellis

That the minutes of the Ordinary Meeting held on 19 December 2018 be confirmed.

CARRIED
D  Public Question Time

D.1  Barry & Vicki Williamson - Cowes Transit Centre

Why has the council decided that the main entrance for normal vehicular traffic should be on Chapel St instead of Church St?

Response:

In finalising the design for the Transit Centre and All Day Car Park project it was determined that access to the car park area required two linkages with the adjacent service road running parallel to Chapel Street. A direct linkage to Chapel Street was not possible due to the height difference between the car park entrance and the Chapel street pavement.

A one way access into the car park from Church Street has also been provided through the Transit Centre area. This was negotiated with Public Transport Victoria whose preference was to isolate general traffic from the transit centre area all together.

A secondary access and egress route into the car park area will also be available from Church Street for the interim via the retained car park at the rear of the Cowes Cultural Centre. This future availability of this secondary route from Church Street is however subject to the ultimate outcome of the Cowes Cultural Centre redevelopment design.

D.2  Grazyna Mackiewicz - Trees at Cowes Cultural Centre

1. Why do you not have a “Significant Trees Register” to protect significant trees?

2. Why could you not commission a better design for the new tourist carpark that included some landscaping, aesthetic appeal, and shade trees in keeping with the environmental nature of our Island?

Response:

1. A significant tree register has not been a funded initiative in Council budgets to date. In order to determine the resourcing for a project of this nature – the project needs to have a clear purpose. For example, If the purpose is to protect trees, then an amendment to the Bass Coast Planning Scheme involving the introduction of new zones or overlays would be required. Such amendments are significant bodies of work which will need to be appropriately planned and resourced.

2. Significant effort has been put into the development of the detailed design for the Transit Centre and All Day Car Park facility. In the course of developing such designs Council must recognise and meet a variety of standards, principles or objectives which sometimes conflict. This includes ensuring that the design considers aspects such as power, drainage, water supply and appropriately dimensioned paved areas to accommodate traffic and bus movements. The current design also incorporates a detailed landscape plan for the site.
D.3  **Kevin Griffin - Live Streaming**

In the interest of public transparency, and for those in the community who were unable to attend the July 2018 council meeting, will Councillors Ellis, Fullarton, Kent, Le Serve, and Tessari publish their reasons for refusing to support the important transparency measure of live streaming of council meetings?

**Response:**

In July 2018 Council resolved not to proceed with a trial of live streaming. Council continues to rotate Council Meetings across the municipality to engage with the broader community and encourage the public’s attendance to observe this civic process.

Council also now uses social media to promote Council Meetings to the wider community.

D.4  **Andrew Marston, Bass Coast Ratepayers and Residents Association - Rate Cap**

Will council confirm to the community that rate increases for the 2019-20 financial year will not exceed the Government’s rate cap of 2.50%?

**Response:**

I confirm that Council will be operating within the rate cap for the 2019/20 year.

D.5  **Andrew Marston, Bass Coast Ratepayers and Residents Association - Community Engagement**

Some Shire Councillors as well as members of the Bass Coast community have acknowledged that recent community consultation processes for some large projects has been flawed. What steps does our new CEO intend to take to ensure that Council and any Consultants they employ adhere properly to Council’s Community Engagement Policy in the future?

**Response:**

Council acknowledges that engaging with the community on topics that affect them remains a high priority.

Council considers all the feedback it receives regarding any community engagement it undertakes and welcomes the community’s input on where it can improve.

We will review recent community engagement processes to look for any areas for improvement. Such reviews and evaluations are common following a consultation period and will inform future engagement opportunities.
D.6  John Trigt - HACC Services

1. Can the Chief Executive Officer confirm that she will do all she can to ensure so that the 56 individuals losing their livelihood through no fault of their own be reemployed by the new service providers?

2. And that there will be no changes or cost increases to the service offered by the new providers, as most clients who have gone to private providers know the nightmare in selecting such services and different cost structure of each?

3. Could the Chief Executive Officer advise me if the presentation from the Council Executive Officers to the Councillors and that minutes off this meeting are available under the Council F.O.I?

Response:

1. The staff currently employed in the service are eligible to apply for other positions within Council. Staff have been offered support through Council’s Employee Assistance Program ever since Council’s decision to exit the service was made. Council officers may wish to apply for positions with the new service provider.

2. Council has advocated to the Commonwealth Government to continue providing the same level of service funded to Bass Coast Shire Council. The Commonwealth Government is responsible for setting guidelines on funding and fees and whilst Council cannot guarantee that they will not change into the future, Council will continue to advocate to the Commonwealth and monitor service provision and funding levels in the region.

3. The decision to place the 21 November Service Review report in the closed section of the agenda was taken as there were a large number of staff directly impacted by the eventual decision to cease service provision. Staff were advised of the decision on 22 November, with clients, carers and the broader community being advised from 23 November. An F.O.I. request can be made and if approved will be provided in accordance with the Act.

D.7  Jean Dunstan - Skate Park San Remo

At last week’s Community Engagement Session, 13/02/19, I presented Council with a detailed analysis regarding poor planning process surrounding the skate park location. Having had time to consider this data, what is the Council’s response to it?

Response:

Council is committed to progressing the planning for the site at San Remo and will undertake consultation in regard to the design, integration of the park with the surrounding spaces and day to day operation. Mrs Dunstan’s presentation will be included in this process.
D.8  *David Hamer (Bucky) - San Remo Skate Park*

1. Have Council be receiving many letters of support for the project?

2. What is the projects current status? Is it proceeding on schedule for delivery in 2020?

Response:

1. Yes, Council has received quite a number of letters and emails in support of the project.

2. The San Remo Skate Park and Playspace Project has been funded and is expected to be delivered in the 2019/2020 financial year. The next stages of the Project include further community consultation, draft plan development and an application for a Planning Permit for the Project. Following this stage, detailed designing and a tender process to construct will be conducted.

D.9  *Tony Gilchrist - Agenda Item H.2 Planning Application 180226 - 226-228 Settlement Road, Cowes*

Has the council asked the applicant if they intend to allow small and large tour groups to use this Motel Complex, this has not been mention their application?

Response:

The application and all submissions received, including those that have raised concerns will be considered by Council tonight.

Officers have advised that the user groups of a motel complex are not a planning consideration.

Council will determine to either issue a Notice of Decision with conditions, or to refuse the application. Following the decision of Council all parties have the opportunity to appeal Council’s decision to VCAT.
Statement for South Coast Mobile Library questions

- We understand that people who use the library service experience a number of benefits in doing so.
- Council also highly value the services and experiences that libraries provide within our community.
- The data provided and quoted in some of the questions is only one part of future considerations.
- The petition requesting funding for the purchase of a new South Coast Mobile Library Truck is being presented to Council this evening to be received.
- The petition will lie on the table until the next Ordinary meeting of Council to be held on 20 March 2019 to which a report in response will be presented.
- Part of the West Gippsland Regional Library Corporation’s consultation process was to consider the impacts of any service change for members of our community; we appreciate people’s efforts in providing feedback.
- Council is awaiting the report from the West Gippsland Regional Library Corporation, outlining the outcomes of recent engagement activities.
- It is therefore more appropriate to respond to questions once Council has all the information and has considered the report.
- There may be a number of options to consider going forward.

D.10 Allie Reilly - South Coast Mobile Library

How will the proposed static library invoke the same feeling as being able to interact with the community and browse a bus full of books?

D.11 Dianne Goeman - South Coast Mobile Library

1. Does the Bass Coast Mayor realise that replacing the South Coast Mobile Library service with a small agency library in Corinella and click and collect depots in the other Waterline towns will increase the difficulty of older residents and vulnerable community members accessing library services?

2. Do Councillors realise any reduction in accessibility of library services will increase social isolation in a community where 12 in every 100 residents are classified as disadvantaged?
D.12 Joy Button - South Coast Mobile Library

1. Could you please explain to me why the decision to cease the South Coast Mobile Library was made in camera without any consultation to residents in the Waterline townships?

2. Could you please explain why the decision has been made to instead replace this service with a ‘micro library service’ – a term used by West Gippsland Library Services – without any consultation to the Waterline townships and displays a lack of communication by our three Waterline Councillors in particular, and shows complete disregard to the communities?

3. Can the Bass Coast Councillors please explain why the residents of the Waterline are being offered a substantially inferior library service than the current mobile library service? Growth of population is fact in the Waterline and yet the Council seems to have decided that the library service should be reduced not enhanced. Why?

D.13 Levinus Van Der Neut - South Coast Mobile Library

1. How will a click and collect depot or a small library co-located in a community centre many kilometres away, provide a safe and non-threatening environment for these vulnerable groups?

2. Given the cost to Bass Coast Council is about half that of South Gippsland and about one third less than Baw Baw, is it reasonable to further squeeze service provision?

D.14 Peter Granger - South Coast Mobile Library

1. It appears (a) patronage figures have been understated and then measured unfavourably against invented performance benchmarks (b) council has been misled. Will council undertake an independent and transparent audit of these allegations?

2. Will council agree to an independent audit of these anomalies?

D.15 Veronica Dowman - South Coast Mobile Library

1. Given South Gippsland Council has rejected our petition, will Bass Coast Councillors consider our proposal, emailed to Councillors on 13 February?
   - establish its own Bass Coast mobile library service
   - to extend the library stops

2. Are Councillors aware that the following two assertions are flawed?
   - “More than 90 percent of people living in the towns the mobile library services, either cannot or do not access it.”
   - “Library agencies in Corinella and San Remo will be open up to 30 hours and will increase access and inclusion.”
D.16 Anne Caulfield - South Coast Mobile Library

1. Will Bass Coast Shire request WGL apply for a grant to help fund a Bass Coast Mobile vehicle before applying for the Baw Baw grant?

2. Will Bass Coast Shire take the advice from one who knows, and maintain its mobile library service to all its eligible small towns?
   - one who knows reference - Jenny Mustey, Head Librarian, Campaspe Shire (library depots for 45 years) and Victorian representative, Australasian Mobile Library & Outreach Services Network (AMLOSN)

D.17 Des Burgess - South Coast Mobile Library

1. Given the area has a higher number of elderly than the State average, should not the availability of a library be regarded by Council as an essential service?

2. Has the Council realised they are going against World trends by decreasing library services not enlarging them?

D.18 Lisa Hurford - South Coast Mobile Library

Would Council support a “Friends of Mobile Library Group”?

- to help promote and market the mobile Library in Bass Coast, and inform the community of the important relevant news eg Cancellation of Service due to unforeseen circumstances beyond control

D.19 Diana Lutz - South Coast Mobile Library

Why are we in the waterline towns being ignored as surely this is a growth area?
E Petitions, Joint Letters, Deputations and Correspondence

E.1 Petition - Fund and Retain the South Coast Mobile Library

File No: CM19/56
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

A petition containing 2435 signatures has been received. The petition reads:

We, the Bass Coast Shire residents of The Gurdies, Pioneer Bay, Grantville, Tenby Point, Corinella, Coronet Bay, Bass, Kilcunda, San Remo and surrounds and the South Gippsland Shire residents of Welshpool, Fish Creek, Sandy Point, Tarwin Lower, Toora & surrounds, petition the Premier of Victoria, the West Gippsland Regional Library Board, Baw Baw Shire Council, Bass Coast Shire Council and South Gippsland Shire Council, to retain the South Coast Mobile Library Truck service.

The West Gippsland Regional Library Board has decided to cancel the South Coast Mobile Library truck and trailer:

- Without consulting with the community
- Using as justification, a 2014 survey that failed to mention the cancellation of the Mobile library service.
- Presenting selective statistics that disregard the overall excellent performance of library usage.
- Discriminating against South Coast Mobile Library Service by comparing book usage against larger townships.
- Failing to promote the mobile library and failing to alert the community to help promote the service.
- Ignoring the predicted 37% increase in population in the Bass Shire over the next 18 years.
- Presenting excessive figures regarding the cost of a replacement vehicle.
- Suggesting alternative “options” to replace the mobile library that are totally inadequate and will provide a significantly inferior service.

Alternative Options: We already have drop-off points and on-line services; we can already speak to a librarian over the phone and we don’t want to be limited to a trolley or a few shelves of books.
Our Mobile Library: “We meet there. We browse a broad selection of books. We support each other. We share opinions about books. A social place is provided for isolated rural people. Our mobile library provides a service for those without transport and those without computers and the elderly who are not screen savvy. A country town’s mental health is dependent on its social contacts. Our children and teens need to have facilities that are not screen fixated. Reading books and talking to each other is vital. Most of all ....books feel great, books smell great, there is nothing as inspiring as a book!”

For the reasons outlined above, we request that funding be made available for the purchase of a new South Coast Mobile Library Truck.

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

“A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier.”

Recommendation

1. That the petition requesting funding for the purchase of a new South Coast Mobile Library Truck be received and lie on the table until the next Ordinary meeting of Council to be held on 20 March 2019.

2. That the head petitioner be advised of Council’s decision.

Attachments

| AT-1 | CONFIDENTIAL - Cover letter and additional information | 12 Pages |
| AT-2 | CONFIDENTIAL - Petition - Fund and Retain the South Coast Mobile Library | 128 Pages |

Council Decision

Moved: Cr. Clare Le Serve / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED
**E.2 Petition - Supporting an Increase in Newstart Payments**

| File No: | CM19/81 |
| Division: | Corporate & Community |
| Council Plan Strategic Objective: | Governance |

We are responsive, open, transparent and financially sustainable

A petition containing 108 signatures has been received. The petition reads:

*We, the undersigned Bass Coast residents, ask the Bass Coast Shire Council to pass a motion supporting an increase in Newstart payments, which are currently at $280 per week ($38 per day). There has not been an increase in these payments for 24 years.*

*Australia wide, 19 municipal councils have already passed the motion supporting Newstart being raised, as has the Australian Local Government Association. The Business Council of Australia & KPMG have called Newstart “inadequate” and called for a raise. Former PM John Howard said “the rate freeze has probably gone on too long”. Former opposition leader John Hewson AM has called for “an increase to at least an accepted poverty line”, as has Bob Katter, ACOSS (Aust. Council of Social Services), churches and welfare groups.*

*The Local Government Act (Victoria) states the objectives of a Council are to “improve the overall quality of life of people in the local community” (3C 2a). The Bass Coast Shire Council is empowered to act on behalf of local residents by advocating for us.*

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

“A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier.”

**Recommendation**

1. That the petition requesting Council support for an increase in Newstart payments be received and lie on the table until the next Ordinary meeting of Council to be held on 20 March 2019.

2. That the head petitioner be advised of Council’s decision.

**Attachments**

| AT-1 | CONFIDENTIAL - Petition - Supporting an Increase to Newstart Payments | 6 Pages |
Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Pamela Rothfield

That the recommendation be adopted.

CARRIED
E.3  Petition - Councils Advocacy Priorities - Phillip Island Aquatics

File No: CM19/90
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

A petition containing 26 signatures has been received. The petition reads:

Why hasn’t the Phillip Island Aquatic Centre been built?

Over the last few years your group of volunteers have worked with Council, and have had passed by them that the Island will receive an Aquatic Centre plus Wonthaggi will receive an upgrade. Council appointed consultants Otium Planning who with Peddle Thorpe Architects produced a set of sketches of said centre with Councils full agreement.

We tried to obtain a commitment during the recent Victorian Election from either party to form a consortium to build the centre, but neither would come to the party.

Council have listed in their current budget, money to repurchase land they previously owned to build the Aquatic Centre along with other recreational needs, to which we have produced an aspirational plan of the whole site.

At the last Council Meeting of 2018, Council moved for the first time and agreed to a motion of projects they wish to pursue with the upcoming Federal Government election to which they list 8 projects with the "Cowes Recreation and Aquatics Precinct" being 4th on the list.

We want and expect after 24 years of waiting this should be the number one project.

We have established the need both with numbers listed in the Census documents plus the growing population and the tourism factor that comes with a holiday destination such as Phillip Island. These numbers cover all ages and we lead all other areas of the Shire.

Can you please put your name to this petition?

A petition containing 158 signatures has been presented to Council. The petition reads:

We the undersigned ask that the Bass Coast Shire prioritise the development of the Phillip Island Aquatic and well-being centre in the next 5 years similar to the aspirational plan prepared by Phillip Island Aquatic Centre Fund.

The physical, psychological and social health benefits of swimming are well researched.

Please sign your name and provide your address to support our request for BCSC to prioritise this development.
Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

“A petition or joint letter presented to Council must lay on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier.”

Recommendation

1. That the petition in relation to the prioritisation of the Phillip Island Aquatic and Well Being Centre be received and lie on the table until the next Ordinary meeting of Council to be held on 20 March 2019.

2. That the head petitioner be advised of Council’s decision.

Attachments

ATT- CONFIDENTIAL - Petition Councils Advocacy Priorities Phillip Island Aquatics 11 Pages

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Julian Brown

That Council:

1. Not lay the petition on the table

2. Advise the head petitioner that the advocacy priorities adopted by Council in December 2018 are of equal importance. Council’s ‘Representing our Community Shaping Our Future – January 2019’ document lists the top advocacy priorities for the Shire

3. Thank the head petitioner for the petition and ongoing support for the development of an aquatic centre on Phillip Island

CARRIED
Notices of Motion
F Notices of Motion

F.1 206/19 ALGA General Assembly Call for nominations

I, Cr Michael Whelan, hereby give notice that I intend to move a motion at the Ordinary Meeting on 20 February 2019, which reads as follows:

ALGA GENERAL ASSEMBLY CALL FOR NOMINATIONS

Motion

That Council endorse the following motion for the 2019 General Assembly of the Australian Local Government Association.

We call on the Australian Government to support initiatives by councils to develop and implement coastal climate change adaptation plans, to improve the sustainability and resilience of coastal settlements vulnerable to increasing climate change risks. Councils are at the forefront of responding to these risks in the coastal zone on behalf of all Australians, but they lack the resources necessary to respond effectively to the complex challenges involved. In addition, councils require more consistent policy guidance and scientific advice in relation to developing and implementing appropriate climate adaptation measures. We therefore call on the Australian Government to support initiatives to assist coastal councils to respond to climate change risks in consultation with state and territory governments and local government authorities.

Background by Councillors

Advocacy was a key theme which was constantly reappearing during Council’s extensive community conversations and engagement to ‘Help shape a better Bass Coast’ in early 2017.

During this time we repeatedly heard that the community want Council to focus on advocating on issues and projects which require support from higher levels of government. This includes the protection of our environment and supporting our economy. The natural environment is Bass Coast’s greatest asset; our economy is based on tourism and agriculture.

The Bass Coast Shire coastline is subject to damage from storm surges and coastal inundation which causes significant erosion and is placing public, natural and community assets at risk such as Surf Life Saving Club buildings, emergency vehicle access tracks and recreational pathways. The recession of the shoreline at Inverloch and Cowes is at unprecedented levels. In Inverloch, there has been a coastline retreat of up to 36 meters since 2012. Intervention is critical and requires a tactical approach from all levels.
One of Council’s top advocacy priorities is Climate Change and Adaptation - Environment and Erosion. Urgent mitigation action is required to implement critical erosion infrastructure in Cowes and Inverloch. The next vital step in preserving and protecting Western Port’s environment is to implement a more strategic and holistic approach to foreshore management, and install erosion control infrastructure. We need a national strategy for erosion mitigation and adaptation due to impacts of climate change on coastal communities and environments. A collaborative approach involving Federal, State and Local organisations will be key in moving forwards.

At its Ordinary Meeting on 16 May 2018, Council endorsed the following Notice of Motion:

That Council:

1. Notes the Australian Coastal Councils Conference Communique, and:

2. Sends a letter to the Prime Minister and Local Federal members of parliament expressing Council’s support for the resolution.

This followed the development of the 2018 Australian Coastal Councils conference communique below.

Preamble:

Representatives of Australian coastal councils attending the Australian Coastal Councils Conference at Geelong, Victoria, from 21 to 23 March 2018, identified a critical need for additional support from the Australian Government to strengthen the capacity of local government to respond effectively to increasing climate change risks. These risks include widespread coastal erosion, more severe extreme weather events, and rising sea levels. The delegates attending the conference resolved to issue the following communiqué concerning this matter.

Communiqué:

“We call on the Australian Government to support initiatives by councils to develop and implement coastal climate change adaptation plans, to improve the sustainability and resilience of coastal settlements vulnerable to increasing climate change risks. Councils are at the forefront of responding to these risks in the coastal zone on behalf of all Australians, but they lack the resources necessary to respond effectively to the complex challenges involved. In addition, councils require more consistent policy guidance and scientific advice in relation to developing and implementing appropriate climate adaptation measures.

We therefore call on the Australian Government to support initiatives to assist coastal councils to respond to climate change risks in consultation with state and territory governments and local government authorities."

Reaffirming this communique at the 2019 General Assembly of the Australian Local Government Association is another opportunity to continue Council’s advocacy.
Officers Comments

Advocacy is a key theme which was identified in the Council Plan. One of Council’s top advocacy priorities is Climate Change and Adaptation - Environment and Erosion.

The Notice of Motion is consistent with Council’s advocacy goals and current advocacy campaign to raise awareness of local, regional and national issues that impact on Bass Coast.

Cr Michael Whelan, Island Ward
Dated: 20 February 2019

Attachments

There are no attachments for this report

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Pamela Rothfield
That the motion be adopted.

CARRIED
Mayor and Councillors Reports
G  Mayor and Councillors Reports

G.1  Mayoral Report - Cr Brett Tessari

Acknowledgements:

Chief Executive Officer

Firstly, on behalf of all the Councillors I’d like to extend a warm welcome to Ali Wastie, the new CEO of Bass Coast Shire Council. Ali started on 18 February which makes this her first Council meeting in the role. We look forward to working with her to achieve great outcomes for Bass Coast.

I’d like to thank Paul Buckley PSM for his leadership as CEO over the past five years and acknowledge the valuable contributions he made to our community. We wish him all the best as he transitions into retirement.

Passing of Bill Robertson

I would like acknowledge the passing of William Charles Robertson, known as Bill, on 1 February 2019. Bill was a Borough of Wonthaggi Councillor between September 1964 and September 1970, and Mayor during 1968. Bill’s contribution to the local community is recognised through his service with the Apex Club, working towards a heated pool for Wonthaggi and the start of the Meals on Wheels program for those in need in our local community, amongst other contributions.

Medal of the Order of Australia - Awards Recipients 2019

I’d also like to take the opportunity to recognise and congratulate the members of our community who received the prestigious Medal of the Order of Australia in January:

- The Honourable Peter Keaston Reith received an OAM for significant service to the Parliament of Australia and to the community of Victoria. Peter was a founding member of Newhaven College.

- Mr Dennis Tregonning Harris was awarded for his outstanding service to surf lifesaving, working with the Woolamai Beach Surf Lifesaving Club and active involvement with the San Remo Channel Challenge.

- Dr Doseena Fergie received an OAM for her service to community health, her dedicated work with Aboriginal communities, and for empowering indigenous women.

- Finally Mr John Robert Duscher was awarded for his sustained service to the community of Wonthaggi for more than four decades.
Activities:

- Attended and officially opened DPI Conference
- Attended BCSC Staff Christmas Eve BBQ
- Attended Arts and Culture Strategy Workshop
- Attended Media Training
- Presented at Bass Coast Australia Day Awards
- Attended Official Australia Day Luncheon
- Attended Rotary Club of Wonthaggi Australia Day Celebration
- Attended BCSC Australia Day Citizenship Ceremony
- Attended Australia Day Ceremony Inverloch RSL Sub-Branch and Lions Club
- Attended Inverloch Classic Wooden Dinghy Regatta Dinner
- Presented at Stage 1 and 2 Herald Sun Tour Bike Race
- Attended Hooden Plover banding at Elizabeth Cove
- Attended Bass Coast Higher Education Steering Committee
- Attended South Gippsland Adult Riding Club Rally Day
- Attended DPI 2019 Industry Breakfast
- Attended Young Leaders Workshop and Lunch
- Attended Guide Park Steering Committee Meeting
- Attended Farewell Event for Paul Buckley, departing CEO of Bass Coast Shire Council
- Attended book launch of ‘We Can Do That! An Anecdotal History of the Wonthaggi Theatrical Group
- Attended Wonthaggi Theatrical Group’s 50th Anniversary Concert

Meetings:

- Attended Council Workshops and Briefings
- Attended Community Connection Sessions
- Chaired Councillor Only Meetings
- Weekly meetings with CEO, Council Support and Communications
- Meeting – PINP Chair Liz Stinson
- Meeting – Ali Wastie, appointed CEO Bass Coast Shire Council
- Meeting – Bass Coast University Centre
- Meeting – Bass Coast Community Foundation
- Meeting – San Remo Skate Park – Staff
• Meeting – San Remo Skate Park – Western Port Ward Councillors
• Meeting – Wonthaggi Sculpture Park
• Meeting – Jessica O’Donnell, Labor’s federal election candidate.
• Meeting – Phillip Island Football Club update
• Meeting – Russell Broadbent, Federal Member for McMillan
• Meeting – Phillip Island Conservation Society
• Meeting – Jeff Nottle
• Meeting – Peter Cooke re Albert Ruttle Estate
• Meeting – TS Construction and PINFC to discuss football/ netball projects
• Meeting – Neville Goodwin and Ashley Lamers
• Meeting – Josh Gilligan re MAV election
• Meeting – Ric Oldham re Archies Bald Portrait Prize
• Meeting – Jordan Crugnale, MP for Bass
• Meeting – Lorraine Muir and tour of Wonthaggi heated pool
• Meeting – Rhodes Papadopoulos and John Schiller
• Meeting – John Mutsaers and Deborah Halpern

G.2 Councillor Report - Cr Bruce Kent
• Thank you to everyone involved with the response to the Grantville fires

G.3 Councillor Report - Cr Michael Whelan
• Arts and Culture Community Consultation
• Ministers Adviser re Totally Renewable Phillip Island
• Natural Environment Strategy Working Group Coastal Pathway
• Smiths Beachcombers AGM
• Renewable Roadmap, Gippsland Climate Change Network and Department of Environment, Land, Water and Planning
• Phillip Island Conservation Society and Mayor re Significant Trees
• Western Port Environmental Research
G.4 **Councillor Report - Cr Clare Le Serve**

- Thank you to the emergency services and volunteers for the Grantville fires response
- South East Australian Transport Study conference
- Paul’s farewell

G.5 **Councillor Report - Cr Les Larke**

- On leave – January 2019
- Guide Park Wonthaggi master plan community consultation - on site
- San Remo Channel Challenge
- Arts & Culture Committee Meeting
- Wonthaggi Aquatic Centre tour
- Wonthaggi Croquet Club visit re new lawn

G.6 **Councillor Report - Cr Geoff Ellis**

- Access and Inclusion Advisory Committee
- Grantville Markets x2
- Meeting with 'Farmers who lunch' at Kernot x2
- Coronet Bay RRA
- Bushfire related community meetings at Grantville x2
- Corinella Probus AGM
- South Coast Inclusion Network x3
- Public meeting re Skate Park in San Remo
- WGRLC Board Meeting –Warragul
- Retelling of Tunnermitawaite and Maulboyheener Injustice (Jan 20)
- Kernot 26th Jan breakfast
- Churchill Island 26th contemplation
- Save Our Mobile Library x2
- Corinella District Community Centre x2
- Meeting with Aboriginal employment service provider
- Meeting with Paul’s Table
- Tenby Point RRA
- Place names Committee meeting
• Wed 6th Western Port Ward related council briefings
• Launch of WGRLC service resumption to Bass Valley Community Centre
• Community Connection session
• San Remo Penguin feeding X2
• Inspected Jam Jerrup foreshore erosion with Lang Lang foreshore committee
• Attended regional weed summit in Kernot
• Community Art project – Kernot
• Inspected tree removal for Cowes Transit Centre

G.7  **Councillor Report - Cr Pamela Rothfield**

• Bass Coast Citizen of the Year Awards

G.8  **Councillor Report - Cr Julian Brown**

• Thank you to the community for their response to the Grantville fires
• Australia Day Awards
• Citizen Ship Ceremony
Reports Requiring Council Decision
H    Reports Requiring Council Decision

H.1    Planning Application 180113 - 225 Gap Road, Ventnor

File No: CM19/59  
Division: Advocacy, Economy & Liveability  
Council Plan Strategic Objective: Our Character  
Celebrating the uniqueness of our townships

Application Details

Use/Development Sought: Use and development of the land for Leisure and Recreation (Horse and quad bike riding), Restaurant and Liquor Licence

The Land: 225 Gap Road, Ventnor

Planning Scheme: Bass Coast Planning Scheme

Zoning: Farming Zone

Overlays: No overlays

Declaration

The author has no direct or indirect interests in relation to this report.

Executive Summary

This application proposes to use and develop the land for Leisure and Recreation comprising horse and quad bike riding and the conversion of an existing dwelling to a restaurant with liquor licence.

The proposal triggers the need for a planning permit under the following clauses of the Bass Coast Planning Scheme:

- Clause 35.07-1 (Farming Zone) for the use of the land for Leisure and Recreation (Horse and quad bike riding) and a Restaurant.
- Clause 35.07-4 (Farming Zone) to construct or carry out buildings and works associated with a section 2 use and to construct a building within 100m of a dwelling not in the same ownership.

The application was advertised and received nine (9) objections.

This report addresses the planning merits of the proposal and the issues raised by submitters.

It concludes that the proposal does not accord with the relevant polices, objectives and strategies of the Bass Coast Planning Scheme and in particular the Planning Policy Framework, Local Planning Policy Framework and the purpose and decision guidelines of Clause 35.07 Farming Zone.

As outlined in the recommendation Council resolves to issue a refusal to grant a planning permit for application 180113.
Reason a Council Decision is required

Council’s delegations require that planning applications that receive five (5) or more objections be determined by Council. The application received nine (9) objections. The cost of development is $50,000.

Application Details

This application proposes to use and develop the land for Leisure and Recreation (Horse and quad bike riding), Restaurant and a Liquor Licence applied to the restaurant.

Leisure and Recreation

The horse riding activities are indicated to be undertaken to the east of the site and the following details provided in support of the application:

- The horse riding will comprise 13 horses with a maximum of 12 ridden at any one time
- Existing horse yards and stables will be utilised
- 1 or 2 instructors will undertake rides for 1 or 2 hours
- The proposed operating hours are 9am to sunset, 7 days a week

For the quad bike riding, the application documentation has not indicated a defined location on the subject site where the quad biking activities will be undertaken. The following details have been provided for the quad bikes:

- 19 quad bikes used
- Riding offered for 30 minutes to 1 hour intervals
- The proposed operating hours are 9am to sunset, 7 days a week

Restaurant and Liquor Licence

The existing dwelling that is located to the east of the site is proposed to have alterations and additions undertaken to convert internal areas for the operation of a restaurant. The following details are provided:

- 60 seat restaurant is proposed
- 5 staff
- The proposed opening hours are 9am to 9pm, 7 days a week

The applicant is seeking a licensed premises application to the entire restaurant including outdoor alfresco areas to allow the selling and consumption of liquor.

Car parking areas

Vehicle access and egress to the site is proposed from the existing crossover from Gap Road that is located to the west of the site.

A car park comprising 80 car spaces and the capacity for 4 buses is proposed central to the site.

A separate building comprising two shipping containers is proposed to be used as an information centre that will be located to the west of the site. This building is indicated as comprising an office, farm shop, storage area and amenities.
A copy of the plans are provided as attachment one. (AT-I)

**Image 1. Site Development Plan (Decision Plans)**

**Image 2. Restaurant Development Plan**
Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

<table>
<thead>
<tr>
<th>Site Dimensions</th>
<th>The subject land is a single allotment with a western boundary (Gap Rd) of 502m and a northern boundary (Back Beach Road) of 313m. The site has an overall area of approximately 15.82 hectares.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Frontage</td>
<td>The subject land is located on the eastern side of Gap Road. There is existing vehicle access from this road to the site.</td>
</tr>
<tr>
<td>Topography</td>
<td>The land has a general fall from north to south with areas of undulation.</td>
</tr>
<tr>
<td>Vegetation Cover</td>
<td>The land contains some established vegetation along the length of the existing driveway, within proximity to the existing dwelling and to the property boundaries. The remainder of the site is clear of significant vegetation.</td>
</tr>
<tr>
<td>Current Use</td>
<td>The land is developed with an existing dwelling that is located to the east of the site. Shipping container storage containers exist to the eastern boundaries.</td>
</tr>
</tbody>
</table>
The northern half of the site contains established fencing for what appears to be the keeping of horses. The land contains two dams.

<table>
<thead>
<tr>
<th>Easements</th>
<th>None affect the site.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restrictive Covenants</td>
<td>A S173 Agreement is registered on title. The proposal is not considered to breach this agreement. The agreement relates to the Phillip Island Circuit and restricts owners of land subject to the agreement that no objections can be lodged related to noise emanating from the track.</td>
</tr>
<tr>
<td>Aboriginal Cultural Heritage Sensitivity</td>
<td>Not affecting the site.</td>
</tr>
<tr>
<td>Planning Permit History</td>
<td>Planning Application 170313 was lodged on 20 Oct 2017 for the use and development of the land for group accommodation, restaurant and liquor licence. This application is currently being considered with a further information request with the applicant.</td>
</tr>
</tbody>
</table>

Nearby and adjoining properties comprise:

- 265 Back Beach Road adjoins the subject site to the west and is an agricultural property of approximately 25 hectares in area located within the Farming Zone. This land is developed with a single dwelling and outbuildings that are located to the west of the site. A driveway and vehicle access exists from Back Beach Rd from the north-west corner of the site. This land contains three dams and is currently used for cattle grazing purposes.

- The southern adjoining property is a large property of approximately 56 hectares with frontages to Gap Rd to the west and a smaller frontage to Back Beach Rd to the north-east. This land is currently undeveloped and historically appears to have been used for a farm. The land contains dams and usual farm tracks.

- Opposite the site to the west of Gap Rd is the Phillip Island Circuit. This land is approximately 109 hectares in area and located within the Special Use Zone Schedule 1. The land is used as a major motor racing circuit and holds events throughout the year including the Australian Motorcycle Grand Prix.
Notice

Notice of the application was required under Section 52 of the Planning & Environment Act 1987, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice to 30 adjoining and nearby land owners and occupiers;
- Placed two Notices on the land; and
Submissions

In response to notification the application attracted nine (9) submissions.
A summary of the objections are listed in the following table and a copy of each objection is included in Attachment two.

Table one: Summary of Concerns raised in each objection

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission 1</td>
<td>An objection received by PI Circuit Pty Ltd of the Phillip Island Grand Prix Circuit. Concerns raised in relation to the 'piecemeal application' process with the lodgement of this application. The intrusion of a non-agricultural use into the area will have the potential to prejudice its operation, and result in serious economic and social implications.</td>
</tr>
<tr>
<td>Submission 2</td>
<td>Amenity of area is already being eroded with land uses such as the race track, garden supplies, earth moving contractors, motor bikes. Additional noise impacts from proposed use. There are limited moments to enjoy quiet with GP Track operating most days of the year.</td>
</tr>
<tr>
<td>Submission 3</td>
<td>Objection received from existing operator of horse riding experiences. Concerns raised in relation to safety concerns with use of thoroughbred horses for horse riding activities. Safety concerns with quad bikes being operated alongside horses. The proposed business will impact on existing horse riding operation.</td>
</tr>
<tr>
<td>Submission 4</td>
<td>Objection related to quad bikes as not in line with rural nature of land. Will add to current noise in area with no respite in context with GP Track. The hours of operation are excessive. Noise will have adverse impact on B&amp;B business and impacting on reviews.</td>
</tr>
<tr>
<td>Submission 5</td>
<td>Impact from noise will be detrimental. Hours of operation for quad bikes are excessive. The GP Track presents an already established accepted noise issues and limited respite from this. There has not been a noise assessment provided with the application.</td>
</tr>
<tr>
<td>Submission 6</td>
<td>Impact on privacy with large numbers of people congregating on shared boundary. Trespassing issues already being experienced and concerns this will continue with larger numbers of people. Impact on cattle grazing operation with concerns that machinery operated on objector's property will create user conflict. Boundary fences are not adequate. Noise impacts. How will the noise be monitored? How will crowd/patrons be managed? What kinds of security will we have that our property and animals are safe when the property is unattended?</td>
</tr>
<tr>
<td>Submission 7</td>
<td>Noise impacts on residents and wildlife. The site is zoned rural and not Rural Activity Zone and proposed uses are not suitable.</td>
</tr>
</tbody>
</table>
Historical concerns with Rural Land Use Strategy and strategic future for Phillip Island.

Submission 8
Objection received from Phillip Island Discovery Camp. Proposal considered inconsistent with Planning Scheme. Noise disturbance and excessive hours of operation. Impact on existing business.

Submission 9
Usage and development inconsistent with Bass Coast Shire Council Planning Scheme. Noise disturbance and hours of operation.

Following the advertising of the application the applicant in correspondence dated 29 November 2018 proposed a number of changes to the original application. These included:

- To remove the quad bike activities from the application
- A reduction in the operating days to operate six days a week (closed on Mondays)
- A reduction in the hours of operation to 11am to 9pm
- The horse riding hours of operation revised to 10am to 7pm during daylight savings, and 10am to 5pm all other times.

At the request of the applicant, these changes to the application have not been formally requested to be substituted. The changes are for the purpose of consideration of conditional changes if a planning permit was to issue. The original application will be considered as lodged.

In an attempt to alleviate objector concerns, the proposed changes listed above were circulated to all objectors. To date two objectors have provided correspondence that reiterated previously held concerns.

No objections have been withdrawn to date.

**Referrals**

The following table outlines the referral requirements of this application.

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>External (Section 52 of the Planning and Environment Act 1987)</td>
<td>The application was referred to VicRoads due to the proximity of the site to a Road Zone Category 1 (Back Beach Road). VicRoads raised no objection in correspondence dated 29/10/2018</td>
</tr>
<tr>
<td>52.29 and 66.03</td>
<td>A Stormwater Management Strategy has been provided with the application. Should a permit be issued, conditions relating to this would be required. Council’s Engineers have advised of potential user conflict of Gap Rd associated with the Phillip Island Circuit. Gap Road South (GP Circuit Gate 3) has restricted access during major events.</td>
</tr>
</tbody>
</table>
Officer’s Considerations

Planning Policy Framework and Local Planning Policy Framework

The relevant policies of the Planning Policy Framework include:

- Clause 11.01-1S Settlement
- Clause 11.01-1R Settlement – Gippsland
- Clause 11.03-4S Coastal Settlement
- Clause 13.05 Noise
  - 13.05-1S Noise abatement
- Clause 13.07-1S Land use compatibility
- Clause 14 Natural Resource Management
- Clause 14.01 Agriculture
  - 14.01-1S Protection of agricultural land
  - 14.01-2S Sustainable agricultural land use
  - 14-01-1R Protection of agricultural land – Gippsland
  - 14.01-2S Sustainable agricultural land use
- Clause 15.01 Built Environment
  - 15.01-2S Building design
  - 15.01-6S Design for rural areas
- Clause 17 Economic development
  - 17.01-1R Diversified economy – Gippsland
  - 17.02-2S Out-of-centre development
- Clause 17.04 Tourism
  - 17.04-1S Facilitating tourism
  - 17.04-1R Tourism – Gippsland
- Clause 18 Transport
- Clause 19 Infrastructure

The relevant policies of the Local Planning Policy Framework include:

- Clause 21.01 Municipal Profile
- Clause 21.02 Settlement
  - 21.02-1 Growth of towns
- Clause 21.03 Economic development
  - 21.03-1 Economic Development Overview
  - 21.03-4 Tourism
  - 21.03-5 Agriculture
• Clause 21.05 Landscape and Built Form
• Clause 21.06 Infrastructure
• Clause 21.08 Moderate Growth Settlement
  o 21.08-6 Ventnor
• Clause 22.06 Non-agricultural uses in the Farming Zone Policy

Other:
• Bass Coast Rural Land Use Strategy (Part 1) (2014)
• Bass Coast Rural Land Use Strategy (Part 2) (2014)

Particular Provisions:
• Clause 52.06 Car parking
• Clause 52.27 Licensed Premises

The proposal is not consistent with the objectives and strategies of Clause 14 Natural Resource Management, Clause 14.01-1R Protection of agricultural land – Gippsland, Clause 14.01-1S Protection of agricultural land, Clause 14.01-2S Sustainable agricultural land use and the purpose and decision guidelines of Clause 35.07 Farming Zone of the Bass Coast Planning Scheme. These provisions aim to encourage the retention of productive agricultural land and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture.

The Bass Coast Planning Scheme emphasises the important and at times complicated factors that are to be considered for use and development of land within the Farming Zone.

Although the subject site is located on Phillip Island where tourism operations are prominent, the subject land is still located within the Farming Zone. Adjoining and nearby properties comprise established agricultural properties that have evidence of being used for grazing operations. The Bass Coast Rural Land Use Strategy (2014) had recommended that the subject site remain within the Farming Zone and not the Rural Activity Zone.

Clause 14 Natural Resource Management advises that planning should ensure agricultural land is managed sustainably, while acknowledging the economic importance of agricultural production.

14.01-1S Protection of agricultural land seeks ‘to protect the agricultural base by preserving productive farmland’ through a number strategies. The proposal is considered to have failed to respond satisfactorily to these strategies for the following reasons:

• The proposal has failed to satisfactorily consider the potential removal of productive agricultural land.
• The proposal has failed to satisfactorily consider the loss of productive agricultural land due to permanent changes in land use.
• The proposed restaurant use will result in an inappropriate land use in the Farming Zone.
• The proposed land uses are considered to be incompatible uses in the context with the area and existing uses on surrounding land. There is an existing grazing operation that is undertaken on land adjoining the subject site the west and the proposal is assessed as resulting in unreasonable offsite impacts to this operation.

• The proposal has failed to consider the impacts on the possibility of continuation of primary production on adjacent land.

The proposal is not considered to be consistent with the objectives, policy and decision guidelines of Clause 22.06 Non Agricultural uses in the Farming Zone Policy, Clause 35.07 Farming Zone of the Bass Coast Planning Scheme and including the Bass Coast Rural Land Use Strategy (2014) as it has failed to demonstrate how the proposed use of the land for a restaurant, horse riding and quad bike riding will be complementary or in association with an agricultural use.

Clause 22.06 Non-agricultural uses in the Farming Zone Policy builds on the Municipal Strategic Statement objective in Clause 21.03-5 (Agriculture) to provide a clear direction for land use in the Farming Zone. The Bass Coast Rural Land Use Strategy (2014) discourages uses in the Farming Zone that are not directly related to, or that have an adverse impact on, agriculture and future agricultural opportunities. This policy at Clause 22.06 advises that the preferred mix of uses in the Farming Zone includes those that support agricultural activities and associated rural industries that maintain and build the economic base of the Shire.

The application for a restaurant, horse riding and quad bike activities has not provided sufficient information to demonstrate that the uses will be complementary, or in support of agriculture.

The proposed restaurant has failed to demonstrate how this use will provide a different experience to that of a typical restaurant located within a Commercial 1 Zone of Cowes Town Centre or San Remo. It is considered, that as submitted, the proposed restaurant use would be better suited to a Commercial Zone.

The subject site has evidence of horse and equestrian activities being undertaken at some stage with the establishment of fenced enclosures and a small number of stock being present. The applicant has failed to demonstrate the extent to which the proposed horse riding activities will complement an existing horse/equestrian or agricultural related use.

It is acknowledged that quad bike riding is an activity that is typically undertaken on a farm. In this instance however, there has not been sufficient information to justify the quad bikes will be complementary to an existing or proposed agricultural use or show case the workings of a genuine farming operation.

The proposed uses may have merit in the Farming Zone and on agricultural land where a genuine existing agricultural use is established and ongoing. For example, a genuine crop producer may warrant the consideration of a restaurant use where the fresh produce that is cultivated on the land is used in the food prepared to be served in the restaurant. The restaurant use would be considered to be complementary to the agricultural use of the land and provide a niche restaurant use to show case the produce that the land and region provides.
The proposal is not consistent with Clause 13.07-1S Land use compatibility and Clause 65 Decision guidelines of the Bass Coast Planning Scheme as the proposal has failed to demonstrate that the subject site is suitable for the proposed use and development in order to ensure the orderly planning of the area and to limit the effect on the amenity of the area.

Clause 13.07-1S Land use compatibility of the Bass Coast Planning Scheme has the objective to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. The strategies identified aim to ensure the compatibility of a use or development as appropriate to the land use functions and character of the area by:

- Directing land uses to appropriate locations.
- Using a range of building design, urban design, operational and land use separation measures.

The proposed uses are not considered to be suitable for the site. As previously discussed in this report, the proposal has failed to demonstrate why the proposed restaurant use is not better suited to a commercial zone. The proposed horse riding and quad bike activities are not considered to be ancillary to an existing agricultural use. Furthermore, the subject site is not identified as a specified Tourism Area with reference to Clause 21.03-4 (Tourism) of the Bass Coast Planning Scheme.

The proposal has been considered against the relevant decision guidelines of Clause 65.01 and cannot be supported for the following reasons:

- The proposal is not consistent with the relevant Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is not consistent with the purpose of Clause 35.07 Farming Zone.
- The proposal is not considered to result in the orderly planning of the area.
- The proposal is assessed as having adverse amenity impacts on the area.

The proposed quad bike activities are not considered to be consistent with the relevant objectives, strategies, policies and decision guidelines of Clause 13.05-1S Noise abatement and Clause 35.07 Farming Zone as the off-site amenity impacts from the proposed quad bike activities will result in unacceptable amenity impacts to adjoining and nearby properties including the adverse impact on land used for agriculture.

The quad bike activities are considered to result in unacceptable amenity impacts to adjoining and nearby properties.

The proposed operating hours that are 9am to sunset, 7 days a week, are considered to be excessive. It is assessed that, given that nearby and adjoining residents experience an already established noise generating activity, the noise emitted from the quad bikes over the duration that is proposed will provide no respite to residents.

The application as submitted has failed to demonstrate how the proposed quad bike activities will be managed for the following reasons:

- An acoustic assessment prepared by a suitably qualified person has not been submitted in support of the application.
- The application has not indicated on the submitted plans the location of the proposed quad bike activities are to be undertaken.
• The applicant has not indicated any noise attenuation methods that will be incorporated.

The proposal is considered to be contrary to Clause 13.05-1S (Noise abatement) of the Bass Coast Planning Scheme that has the objective ‘to assist the control of noise effects on sensitive land uses.’ To achieve this, this clause has the strategy to ‘ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

The State policy references the Interim Guidelines for Control of Noise in Country Victoria 1989 referred to in Clause 13.05-1S of the Planning Scheme. Although not referred to under the clause, the Noise from Industry in Rural Victoria 2011 (NRV) is also a relevant consideration to assisting in identifying noise limit considerations in rural areas. The application as submitted has failed to consider or provide an assessment against any of these or other relevant guidelines.

The decision guidelines of Clause 35.07 Farming Zone require an assessment on whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. The proposed quad bike activities are not considered to be a compatible use due to the impact on nearby properties.

Clause 35.07 Farming Zone

The purpose of the Farming Zone is to:

• To implement the Municipal Planning Strategy and the Planning Policy Framework.
• To provide for the use of land for agriculture.
• To encourage the retention of productive agricultural land.
• To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
• To encourage the retention of employment and population to support rural communities.
• To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposed use and development has been considered against the above listed purposes and relevant decision guidelines of the Farming Zone and is assessed as failing to achieve the requirements for the following reasons:

• The proposal has failed to demonstrate that the land is not suitable for agriculture.
• The proposal has failed to demonstrate the proposal will not will impact on an existing agricultural use being cattle grazing.
• The proposed uses are located within 100m of an existing dwelling not in the same ownership, and the resulting off site amenity impacts are not considered to be able to be managed to limit the amenity impacts to the dwelling.
• The proposed use and development are not considered to be suitable for the site and the proposal not considered to be compatible with adjoining and nearby land uses.
The application is assessed as being unacceptable as it is considered to be a piecemeal approach with a separate planning application being lodged that does not enable the responsible authority to properly assess the use and development outcomes for the subject land in their entirety.

The applicant has lodged a separate planning application (No. 170313) on 20 October 2017 for the use and development of the subject land for 36 Group accommodation dwellings, a restaurant, liquor licence and signage. This application has an estimated cost of development of $4 million. At the time of the writing of this report, planning application 170313 was awaiting further information from the applicant to allow it to be considered.

The subject application is considered to be dependent on planning application 170313. The Victorian Civil and Administrative Tribunal (VCAT) in discussing the implications of a piecemeal application with reference to Rowcliffe Pty Ltd v Stonnington CC [2005] VCAT 1535 (29 July 2005) advised the following:

“…one of the other real difficulties associated with piecemeal proposals is our inability to assess the global affect of impacts or change… The Tribunal, faced with a single component of a piecemeal application, is required to assess only the effect of that portion of the proposal rather than the real impact of the whole development. Alternately expressed, the Applicant, in seeking to develop the land in creeping, incremental and piecemeal stages gains an advantage from proposing a less dramatic change. On the other hand, the community is disadvantaged in that a proper assessment of how the ultimate development of the subject land will affect character and amenity becomes impossible. Decision making is made harder, and more speculative.

… it is impossible for us (VCAT) to properly assess whether the change proposed in this partial development application is acceptable, without knowing what else is proposed for the remainder of the land.

Piecemeal applications are not disallowed on the basis that satisfactory outcomes are impossible, but rather because the process makes “good or preferable” planning decisions more difficult, and because the process becomes less fair.”

The application as submitted has been considered against the commonly found testing procedures and analysis for determining the relevancy of piecemeal applications. The application as submitted, in light of what else has been proposed for the subject site with planning application 170313, cannot be supported for the reasons commonly found with piecemeal applications.

**Concerns raised by Submitters**

The following provides consideration of the objectors’ concerns that have not been previously discussed in this report:

- *Concerns raised in relation to safety concerns with use of thoroughbred horses for horse riding activities. Safety concerns with quad bikes being operated alongside horses. The proposed business will impact on existing horse riding operation.*

The concern relating to the safe operation of the horse riding activities as proposed are noted. The main issue with proposal is the land use complications that are apparent when assessed against the relevant provision of the Planning Scheme.

Objections relating to gaining a commercial advantage are generally unable to be considered.
- Impact on privacy with large numbers of people congregating on shared boundary. Trespassing issues already being experienced and concerns this will continue with larger numbers of people. Impact on cattle grazing operation with concerns that machinery operated on objector’s property will create user conflict. Boundary fences are not adequate. Noise impacts. How will the noise be monitored? How will crowd/patrons be managed? What kinds of security will we have that our property and animals are safe when the property is unattended?

The concerns relating to trespassing on private property is not something that can be addressed through the Planning Scheme. All other concerns raised are considered to be warranted issues and only highlight the land use conflicts within the Farming Zone.

- Historical concerns with Rural Land Use Strategy and strategic future for Phillip Island.

Concerns have been raised regarding the future agricultural viability of Phillip Island and if the Rural Land Use Strategy 2014 is an accurate policy for Phillip Island. In the assessment of the application before Council, we can only consider the policy and zoning that applies to the land today and the merits of the application against these.

Conclusion

The application has been assessed against the Bass Coast Planning Scheme and is not considered to have addressed the relevant Planning Policy Framework, Local Planning Policy Framework and the purpose of the Farming Zone.

The application underwent notification and as a result there were 9 submissions received. Concerns raised by submitters were considered in the assessment of the application.

It is recommended that Council resolves to refuse planning application 180113 for the reasons established in this report.

Recommendation

That in relation to planning permit application 180113 for the use and development of the land for Leisure and Recreation (Horse and quad bike riding), Restaurant and Liquor Licence located at 225 Gap Rd, Ventnor, Council resolves to issue a Notice of Refusal on the following grounds:

1. The proposal is not consistent with the objectives and strategies of Clause 14 Natural Resource Management, Clause 14-01-1R Protection of agricultural land – Gippsland, Clause 14.01-1S Protection of agricultural land, Clause 14.01-2S Sustainable agricultural land use and the purpose and decision guidelines of Clause 35.07 Farming Zone of the Bass Coast Planning Scheme. These provisions aim to encourage the retention of productive agricultural and to ensure that non-agricultural uses do not adversely affect the use of the land for agriculture.

2. The proposal is not considered to be consistent with the objectives, policy and decision guidelines of Clause 22.06 Non Agricultural uses in the Farming Zone Policy, Clause 35.07 Farming Zone of the Bass Coast Planning Scheme and including the Bass Coast Rural Land Use Strategy (2014) as it has failed to demonstrate how the proposed use of the land for a restaurant, horse riding and quad bike riding will be
complementary or in association with an existing agricultural use.

3. The proposal is not consistent with Clause 13.07-1S Land use compatibility and Clause 65 Decision guidelines of the Bass Coast Planning Scheme as the proposal has failed to demonstrate that the subject site is suitable for the proposed use and development in order to ensure the orderly planning of the area and to limit the effect on the amenity of the area.

4. The proposed quad bike activities are not considered to be consistent with the relevant objectives, strategies, policies and decision guidelines of Clause 13.05-1S Noise abatement and Clause 35.07 Farming Zone as the off-site amenity impacts from the proposed quad bike activities will result in unacceptable amenity impacts to adjoining and nearby properties including the adverse impact on land used for agriculture.

5. The application is assessed as being unacceptable as it is considered to be a piecemeal approach with a separate planning application being lodged that does not enable the responsible authority to properly assess the use and development outcomes for the subject land in their entirety.

Attachments

AT-1 Decision Plans 11 Pages
AT-2 CONFIDENTIAL - Submissions 23 Pages

Council Decision

Moved: Cr. Bruce Kent / Seconded: Cr. Michael Whelan

That the recommendation be adopted.

CARRIED
H.2 Planning Application 180226 - 226-228 Settlement Road, Cowes

File No: CM19/43
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Our Character
Celebrating the uniqueness of our townships

Application Details
Use/Development Sought: Use and development of the land for a Motel
The Land: 226-228 Settlement Road, Cowes
Planning Scheme: Bass Coast Planning Scheme
Zoning: Mixed Use Zone
Overlays: Design and Development Overlay (Schedule 4)

Declaration
The author has no direct or indirect interests in relation to this report.

Executive Summary
This application proposes to consolidate two titles (Lot 1 PS623879A and Lot 2 PS62379A) to undertake the use and development of the land for a Motel comprising 37 units and associated car parking areas.

The proposal triggers the need for a planning permit under the following clauses of the Bass Coast Planning Scheme:

- Clause 32.04-2 (Mixed Use Zone) for the use of land for a Motel.
- Clause 32.04-6 (Mixed Use Zone) for the construction of a Residential Building (Motel).
- Clause 32.04-9 (Mixed Use Zone) to undertake buildings and works associated with a Section 2 Use being a Motel.
- Clause 43.02-2 (Design and Development Overlay 4) a permit is required to construct a building or construct or carry out works.

The application was advertised and received nine (9) objections to date.

Following the advertising period, amended plans prepared by DB Design and dated 11-12-18 (Ref No: D18042) were received by Council. The amended plans were formally substituted 2 January 2018 under Section 57(A) of the Planning and Environment Act 1987 and provided for an amended design to address submitter concerns. The amended design changes have been circulated to all objectors and are summarised as follows:

- The number of motel units has been reduced from 40 to 37.
- The western wing for the motel building is now proposed in three building blocks (previously two) and an increase in setbacks to the western and northern common boundaries have been proposed.
• The eastern wing for the motel building has the provision of an outdoor space for occupants.

• The laundry has been re-located from the north-western corner of the site to the south east of the site and within the main building.

• An alteration to the car parking layout and design to allow for additional landscaping.

This report addresses the planning merits of the proposal and the issues raised by submitters.

It concludes that the proposal is considered to be consistent with the relevant polices, objectives and strategies of the Bass Coast Planning Scheme and in particular the Planning Policy Framework, Local Planning Policy Framework, Clause 32.04 Mixed Use Zone including Clause 55 (ResCode) and the decision guidelines of Clause 43.02 Design and Development Overlay Schedule 4.

On this basis, it is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180226.

Reason a Council Decision is required

Council’s delegations require that planning applications that receive five (5) or more objections to be determined by Council. The application received nine (9) objections.

Council’s delegations also require that applications for developments of more than $3 million be received by Council for determination. The estimated cost of the proposed development is $3 million.

Application Details

This application proposes to use and develop the land for a Motel containing 37 units and associated car parking areas in accordance with the following plans:

1. Plans prepared by db design, dated 11-12-18, Ref No: D18042 (PD5), pages 1 to 8 comprising:
   a. Existing Site Plan
   b. Proposed Site Plan
   c. Development Plan – Lower Floor and Concept Landscape Plan
   d. Development Plan – Upper Floor
   e. Elevation Plan 1
   f. Elevation Plan 2 and Perspectives
   g. Shadow diagrams 9am, 12pm
   h. Shadow diagram 3pm
   i. Revised shadow diagrams that include 10am, 11am, 1pm and 2pm and notations for the western adjoining properties (dated 16-01-19)

A copy of the plans are provided as attachment one (AT-1). The overall height of the development is 6.8 metres.
Image 1. Amended Site Development Plan (Decision Plans)
Image 2. Amended Development Plan – Lower Floor and Concept Landscape
Image 4. Amended Elevation Plan 1
Background

Following is a description of the subject site and other relevant information pertaining to the allotment.

| Site Dimensions | The subject land comprises two titles being Lot 1 with an 8m frontage to Settlement Rd, a maximum depth of 61.43m and an area of 996m². Lot 2 has a frontage of 40.23m to Settlement Rd, a maximum depth of 61.43m and an area of 1,475m². The total area for the land subject to the proposal is 2,471m². |
| Site Frontage | The subject land is located on the northern side of Settlement Road. There are existing crossovers from this road. |
| Topography | The land has a slight fall from north to south from the centre of the site. The land appears to fall slightly from the centre of the site to the rear (north). |
Vegetation Cover | The land contains some established vegetation including canopy trees in parts to the south-east corner, west and northern boundaries. The remainder of the site is clear of significant vegetation. The removal of vegetation is exempt from planning permission.

Current Use | The land is developed with an existing dwelling and carport structure to the west. An existing motel/resort style living use exists to the eastern title that comprises 8 units.

Easements | A 2m wide easement is located to the northern boundary in part that is set aside for sewerage assets.

Restrictive Covenants | No restrictions exist on either title.

Aboriginal Cultural Heritage Sensitivity | Not affecting the site.

Planning Permit History | No recent planning history.

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The subject land is located to the northern side of Settlement Road in Cowes, approximately 240m west from the intersection with Thompson Avenue.

The subject site is adjoined with the following properties:

- **230 Settlement Road, Cowes (eastern adjoining land):** This land contains a semi-detached, six unit town house development. Each unit is two storeys with private open space areas located generally to the east of this land. A vehicle crossover to the south-east of the land provides access to a common boundary that extends down the western boundary of the land.

- **26 Douglas Road, Cowes (northern adjoining land):** This land contains a semi-detached, five unit town house development. Each unit is double storey in nature with a common driveway extending down the southern shared boundary for this land.

- **224 Settlement Road, Cowes (eastern adjoining land):** This land is developed with a single storey detached dwelling and outbuilding.

Nearby properties comprise a mix of unit and townhouse developments to the east of the site that transition into larger residential allotments that are generally developed with detached dwellings. Land to the south and east of the site contains a mix of storage type uses, Mitre 10 Hardware Store and commercial shopping strip that transitions into Thompson Avenue and Cowes Town Centre.
The following images identify the site in its context:

![Site context and zone map](Image 6)

![Site context aerial photograph (Feb 2018)](Image 7)

**Notice**

Notice of the application was required under Section 52 of the *Planning & Environment Act 1987*, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice to 52 adjoining and nearby land owners and occupiers;
- Placed a Notice on the land; and
• By publishing a Notice in The Great Southern Star and Phillip Island & San Remo Advertiser.

The following plans were advertised:

Image 8. Advertised plans Site Development Plan
Image 9. Advertised plans Upper Level Plan
Submissions

In response to notification the application attracted nine (9) submissions.

A summary of the objections are listed in the following table and a copy of each objection is included in Attachment two. (AT-2)

**Table one: Summary of Concerns raised in each objection**

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submission 1</td>
<td>Privacy impacts with overlooking potential to private open space areas of units located to the west of the site. Noise impacts from occupants coming and going at night, location of laundry area and location of proposed courtyard areas for Motel in close proximity to private open space areas of adjoining residential units. Overshadowing impacts. Devaluation of property. Parking and traffic concerns with the potential additional cars on local street network and no provision for bus parking.</td>
</tr>
<tr>
<td>Submission 2</td>
<td>Privacy/overlooking impacts. Overshadowing of private open space areas. Overdevelopment of the site which will increase traffic congestion.</td>
</tr>
<tr>
<td>Submission 4</td>
<td>Overdevelopment of area in context with existing unit developments located to west of site. No natural light or sunlight. No privacy in courtyards. Bus parking not provided for. Traffic congestion. Noise impacts. Insufficient setback to residential units. Devaluation of property.</td>
</tr>
<tr>
<td>Submission 6</td>
<td>Increase in commercial competition for motels. Oversupply of tourist accommodation already.</td>
</tr>
<tr>
<td>Submission 7</td>
<td>Oversupply of tourist accommodation already. Additional motel will create too much competition. Request for business feasibility to be considered.</td>
</tr>
<tr>
<td>Submission 8</td>
<td>Not consistent with neighbourhood context. Waste collection issues. Loading and unloading concerns with potential use by heavy vehicles. Overshadowing. Noise impacts. No disabled car parking and impact on parking provision if required. Secluded private open space provision for each unit not considered. Communal open space not considered. Water sensitive urban design not considered (stormwater).</td>
</tr>
<tr>
<td>Submission 9</td>
<td>Poor design that impacts on adjoining properties. Overshadowing impacts to adjoining properties. Noise and overlooking impacts. Concerns over decision date provided on advertising notice.</td>
</tr>
</tbody>
</table>

Following the notification period, the Applicant under Section 57A of the Planning and Environment Act 1987 decided to amend the proposal to address the objectors’ concerns.

The changes were intended to address the key concerns by the objectors and those initially identified by Council. A summary of the changes to the design have been provided on Pages 1 and 2 of this report.

The amended plans have been circulated to all objectors. To date, two additional comments were received that emphasised the previously raised concerns.

No previously lodged objections have been withdrawn.
Referrals

The following table outlines the referral requirements of this application.

**Table two: Referral requirements and their comments**

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>External (Section 55 of the <em>Planning and Environment Act 1987</em>)</td>
<td>N/A No statutory referrals were required.</td>
</tr>
<tr>
<td>Internal (Section 52 of the <em>Planning and Environment Act 1987</em>)</td>
<td>Asset Management A concept Stormwater Management Plan has been submitted and considered with the application. Conditions on any permit issued will require the submission and endorsement of a detailed Stormwater Management Plan to the satisfaction of the responsible authority (Council).</td>
</tr>
</tbody>
</table>

Officer’s Considerations

**Planning Policy Framework and Local Planning Policy Framework**

The relevant policies of the Planning Policy Framework include:

- Clause 11 Settlement
- Clause 11.01-1R Gippsland
- Clause 11.01 Victoria
  - 11.01-1S Settlement
- Clause 12 Environmental and Landscape Values
- Clause 12.02 Coastal Areas
  - 12.02-1 Protection of coastal areas
  - 12.02-3S Bays
- Clause 12.05 Significant Environments and Landscapes
  - 12.05-1S Environmentally sensitive areas
  - 12.05-2S Landscapes
- Clause 13.05 Noise
  - Clause 13.05-1S Noise abatement
- Clause 15 Built Environment and Heritage
- Clause 15.01 Built Environment
  - 15.01-1S Urban design
  - 15.01-2S Building design
  - 15.01-5S Neighbourhood character
- Clause 17 Economic Development
  - 17.01-1S Diversified economy
Clause 17.04 Tourism
  o 17.04-01S Facilitating tourism
  o 17.04-1R Tourism – Gippsland

The relevant policies of the Local Planning Policy Framework include:

- Clause 21.02 Settlement
  o 21.02-1 Growth of towns
- Clause 21.03 Economic Development
  o 21.03-1 Economic Development Overview
  o 21.03-2 Commercial
  o 21.03-4 Tourism
- Clause 21.04 Environment
- Clause 21.05 Landscape and Built Form
  o 21.05-4 Design and Built Form
  o 21.05-6 Landscape Architecture
- Clause 21.08 Moderate Growth Settlements
  o 21.08-5 Cowes & Silverleaves
- Clause 22.01 Stormwater Management Policy

The following provides a discussion of where the proposal has satisfactorily addressed the relevant Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) under the themes of Settlement, Economic Development and Tourism, Built Environment and Landscape.

Settlement

Clauses 11.01 (Victoria) and 11.01-1S (Settlement) seek to promote the sustainable growth and development of Victoria and in particular to Bass Coast is Clause 11.01-1R Settlement – Gippsland seeks to support urban growth in regional centres (Wonthaggi) and in sub-regional networks of towns such as Cowes.

Of particular relevance to the consideration of the proposal and the suitability of the subject site for the proposed development for a Motel is Clause 21.02-1 (Growth of towns) of the LPPF which recognises Cowes as providing essential services to surrounding smaller settlements and as a popular visitor destination.

Clause 21.08-5 advises that Cowes, being the largest settlement on Phillip Island, has two distinct roles as the main holiday town, and as a community and retail service centre.

The subject site is considered to have broad strategic merit for development consideration for the following reasons:

The site is located within an existing settlement boundary of Cowes that limits the impact of the proposed development on the significant environmental, landscape and agricultural qualities of land outside of the settlement boundary.
The proposed Motel development is located within a Mixed Use Zone (MUZ) and close proximity to Thompson Avenue that is recognised as the location for the majority of commercial, retail, community, tourism, and health services.

The subject site is located within close proximity to intensified residential developments to the west of the land and established commercial land use and developments to the east of the site.

There is strategic policy support for promoting and capitalising on opportunities for urban renewal and infill redevelopment. The site has historically been used for tourist style accommodation.

The site is suitably zoned (MUZ) for the consideration for the use and development of the land for a motel and the design response has satisfied the design benchmarks of the LPPF, Zone, Clause 55 ResCode and relevant overlays. This is discussed further in the report.

**Economic Development and Tourism**

The Bass Coast Planning Scheme recognises at a State level the importance tourism plays in the region with Clauses 17.04 Tourism, 17.04-01S Facilitating tourism, 17.04-1R Tourism – Gippsland emphasising this important sector with objectives and strategies that seek to:

- Encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.
- Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.
- Provide a diversified economy with the objective to strengthen and diversify the economy through the facilitation of growth in a range of employment sectors including tourism.
- Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.
- Support nature-based tourism proposals that complement and are compatible with the region’s environment and landscape attractions or are close to identified strategic tourism investment areas.

It is acknowledged the proposed use and development for a Motel is not specifically a tourism application, it is however considered to have an important nexus between tourism related activities with the provision of accommodation for visitors to Phillip Island and broader Bass Coast.

At a local level, Clause 21.03-4 (Tourism) highlights that tourism is the pillar of the Bass Coast economy with internationally recognised tourism attractions - particularly on Phillip Island. Tourism is estimated to generate around $620 million in direct expenditure and over $1 billion in value added expenditure, and supports about 1,400 jobs annually (source: Bass Coast Rural Land Use Strategy (2014)).

Clause 21.03-4 (Tourism) identifies the provision of tourism related accommodation in Cowes being of importance with objectives and strategies provided to address this.
The proposal is considered to have satisfactorily responded to the objectives and strategies of this clause for following reasons:

- The MUZ and proximity to an established commercial precinct is considered to be an appropriate location for a Motel development that will provide accommodation for visitors to the region.
- The proposed use and development is located within proximity of Cowes commercial centre, which achieves a siting and design that will have minimal impacts on the natural environment and landscapes that Phillip Island is renowned for.
- The development is located and integrated within an existing settlement that achieves consistency with the coastal planning policy context.

Clause 21.03-2 (Commercial) acknowledges that the role and function of commercial areas is changing as population and visitation increase, with anticipated issues relating to endeavouring to providing business services that cater to both residents and visitors and managing the implications of being a premier tourist destination. The proposal is considered to be a satisfactory response to the objectives and strategies of this clause as the development of the subject land for a motel will align with the anticipated increase in tourism interest of the region.

**Built Environment and Landscape**

Clause 15.01-2S (Building design) objective has been considered satisfactorily addressed with a design response that achieves building design outcomes that will contribute positively to the local context.

The proposal is considered to have satisfactorily responded to Clause 15.01-1S (Urban design) of the PPF that requires developments to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate and to ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.

Clause 15.01-5S (Neighbourhood character) of the PPF identifies a strategy that seeks to ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:

- Pattern of local urban structure and subdivision.
- Underlying natural landscape character and significant vegetation.
- Heritage values and built form that reflect community identity.

At the time of this recommendation, the subject site is within a Mixed Use Zone and within close proximity to the Cowes Town Centre. The subject site and the Mixed Use Zone are considered to provide a transition between the Commercial 1 Zone of the Cowes Town Centre that is generally located to the east, and the General Residential Zone (Schedule 1) that extends to the west. In considering the subject site in this context, the proposal provides for a two storey built form that is entirely consistent with the preferred character of the Mixed Use Zone and in particular recently approved residential unit developments that are located to the west of the subject site. The proposal provides for no boundary construction and sufficient building breaks and separation down the length of the site. The proposal has limited the built form impacts to the Settlement Road interface with the provision of breaks.
in the proposed buildings with the provision of car parking areas and landscaping opportunities within both the car parking areas and front setback for the development.

The proposed development is considered to have achieved a site design response that responds to Clauses 21.04 (Environment) and Clause 21.05 (Landscape and Built Form) that will ensure that the development will be subordinate to the natural, visual and environmental landscape character and significance of the area as it is well placed within the existing urban footprint of Cowes. Furthermore, in achieving this, the proposal is considered to provide for a satisfactory response to Clauses 12.02-1 (Protection of coastal areas), 12.02-3S (Bays), 12.05-1S (Environmentally sensitive areas) of the PPF that ensures the proposal will not detrimentally impact on the environmentally sensitive areas of Western Port Bay and its foreshore.

The proposed development is assessed as a suitable design response against Clause 21.05-4 (Design and Built Form). This policy seeks development outcomes that respect the established and valued character of the area and add to the overall quality of the urban environment. The proposal is considered to be consistent with the existing established character of the area. The eastern adjoining property at 230 Settlement Road is developed with a two storey residential development that provides for elements of connected built form along the long axis of the property boundaries. Further to the east at 232 Settlement Road is a ten (10) unit development that is of a similar form with connected elements extending through the site. The proposed Motel is considered to be of a fitting form and scale in context with this established character. The Motel has provided suitable setbacks to all common boundaries. The extent of long walls have been minimised and broken up with separation buffers provided between each building. The landscaping opportunities within the development will also assist in further softening the built form.

The proposed development is further considered against Clause 21.05-4 (Design and Built Form) and is a satisfactory response for the following reason:

- Building services including plant will not be permitted to extend above the roof line. A condition on any permit if issued will required this including noise attenuation measures to be implemented.

- The service and utility areas have been sensitively located with bin storage, laundry and office/reception/admin areas being located to the east of the site.

- The concept proposed materials are considered to have incorporated satisfactory design elements to create articulation and visual interest. A condition on any permit if issued will require the submission of a schedule of final colours, materials and finishes.

**Amendment C151 – Cowes Activity Centre**

At the time of the recommendation subject to this report, an amendment to the Bass Coast Planning Scheme is under consideration that seeks to implement recommendations from the Cowes Activity Centre Plan 2015. A Panel Hearing was held on 12 and 13 November 2018. The subject site is affected by Amendment C151.
Of particular note are the following relevant recommendations identified as part of Amendment C151:

- The subject site is proposed to be change from the Mixed Use Zone (MUZ) to the General Residential Zone Schedule 1 (GRZ1).
- The removal of the Design and Development Overlay Schedule 4 from the subject site.

The following is noted in response to the Amendment C151 changes affecting the subject site:

- Under the GRZ1, the use of the land for a Motel would still be considered as section 2 use, requiring a permit similar to that of the MUZ consideration.
- The building height under the GRZ1 would have the mandatory height of 11 metres and 3 storeys applied to it. The proposed Motel has a maximum overall height of approximately 6.8 metres that is contained within 2 storeys. This is considered to be consistent with the likely changes proposed by Amendment C151.
- The Design and Development Overlay Schedule 4 that currently applies to the subject site currently has no specified height recommendation to be considered. With the proposed deletion of the DDO4 with Amendment C151, the mandatory height controls of the GRZ1 would need to be considered. The proposed Motel development is considered to be consistent with these.

### Zone Assessment

**Clause 32.04 Mixed Use Zone**

The proposed development triggers the requirement for a planning permit in the Mixed Use Zone (MUZ) for the use and development of the land for a motel. The relevant purpose of the zone is:

- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.

The proposed use of the land for a motel is considered to be consistent with the purpose of the MUZ. The site is considered to be in a location that is well suited to a motel use as it is in close proximity to more intensified residential development and commercial precincts.

The site has historically been used as a form of short term holiday accommodation. It is anticipated that the increase in density for a motel with 37 units and manager’s residence will not have unreasonable offsite amenity impacts to nearby residential properties. The proposed design is considered in the context of adjoining residential properties with the provision of a minimum of 3 metre setback to the northern and eastern common boundaries.
The arriving and leaving of guests is not anticipated to result in detrimental off site amenity impacts due to the sensitively located reception area located to the south-east corner of the site, being located as far as practically possible from adjoining residential properties to the north and west of the site. The ongoing operation of the proposed motel is considered to be able to be managed through amenity related conditions on any permit issued for the site.

Car parking areas have been located central to the site. If approved, this arrangement would ensure that sufficient buffer distances to residential properties. The proposed buildings and landscaping opportunities would assist in providing breaks and buffering to alleviate noise and light disturbance from any cars and delivery vehicles.

The motel use will provide accommodation for short term stays where the waste generation is unlikely to result in off site and on site amenity impacts for the following reasons:

- The motel complex does not contain a restaurant and the units do not contain cooking facilities. This will limit the extent of waste generation.
- Each room will contain waste disposal bins comprising a mix of recyclable and general waste collection. The centralised waste storage area will comprise bins sized for each component of the waste stream. It is anticipated that these bins will be collected by private waste contractors unless determined otherwise with the recommendation and approval by Council of a Waste Management Plan.
- Laundry comprising bed linen and towels would be collected via a small van/truck.

It is recommended that any permit that is issued include a condition that requires the preparation and submission of a Waste Management Plan to be submitted and approved by the responsible authority.

Clause 55 – Construction of a Residential Building (Motel)

Before deciding on an application the responsible authority must consider, as appropriate for the construction of two dwellings on a lot, the objectives, standards and decision guidelines of Clause 55. The proposed development is assessed as having satisfactorily addressed all the relevant objectives, standards and decision guidelines of Clause 55.

Of particular relevance to the assessment of this application the following is noted in relation to:

Neighbourhood Character:

- The subject site is considered to be within an area that has strategic policy support for a motel use under the Planning Policy Framework and the Local Planning Policy Framework. This has been discussed previously in the report.

Front setback:

- The proposed front setback for each building that fronts Settlement Road is considered to be consistent with the context of the site and adjoining properties. The western motel building has proposed a minimum 4 metre setback that extends to 5.15 metres and the eastern motel building has proposed a minimum 5 metre setback. Standard B6 of Clause 55.03-1 (Street setback) requires that the average of the abutting allotments facing Settlement...
Road be applied to the subject site. The adjoining property to the west has a minimum setback of 4m and the eastern adjoining property has a front setback of 12.60m. The subject site should provide a minimum front setback of 8m unless an alternate design response can demonstrate that a different setback would be more appropriate taking into account the prevailing setbacks of existing buildings. The proposed setback for the motel development is considered satisfactory in this instance for the following reasons:

- The eastern adjoining property setback of 12m is considered to be an abnormally deep setback in context with the area.
- The proposed setback for the motel development is generally consistent with the setbacks to the west of the site where 4m is established for 230 Settlement Rd (adjoining western property) and 3.9m is provided for 232 Settlement Rd.
- The existing buildings on the subject site had established a minimum 1.8m setback that extended approximately 4.5m. The proposed development setbacks will exceed these.

Side and Rear Setbacks:

The amended plans received following the notice period provided for an increase in the side setbacks to the western common boundary from 2.15m to 3m. Standard B17 of Clause 55.04-1 (Side and rear setbacks) of the Bass Coast Planning Scheme requires that a building should be setback from a side boundary in accordance with the formula related to the proposed building wall height. The proposed maximum building wall height presented to the western adjoining properties is 5.6m. This equates to a side setback required to be achieved of 1.6m. The proposal exceeds the standard required.

To further assist in limiting the impact of the extent of built form presented to the adjoining properties, the development has broken up the building form along the western interface. Landscaping opportunities will also assist in softening the building form presented.

Overlooking:

The proposed development is considered to have been designed to limit the views into existing secluded private open space, with particular attention given to the western adjoining residential development. All upper level windows for each motel unit will have minimum window sill heights of 1.8m that are in excess of Standard B22 of Clause 55.04-6 (Overlooking) where 1.7m is normally applied).

Overshadowing:

The proposed development will result in additional overshadowing to adjoining properties. Most affected are the secluded private open space areas for the units at 230 Settlement Rd being the western adjoining land and in particular units 1 through to 5. Unit 6 will not be impacted by any overshadowing from the proposed development.

The overshadowing objective detailed at clause 55.04-5 seeks to ensure that buildings do not significantly overshadow existing secluded private open space.
The standard B21 of the clause reads:

Where the sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 percent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.

If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.

A review of the previously approved development plans for 230 Settlement Road indicates that the existing shadow conditions for each unit (1-5) do not appear to meet the standard as above. Where the standard for overshadowing is not met for the adjoining allotment, an assessment of the impacts of any additional overshadowing received from the proposed development is required to be undertaken.

The majority of additional overshadowing experienced by each unit is at the hours of 9am and 10am.

For the remaining hours 11am, 12pm, 1pm, 2pm and 3pm, the overshadowing resulting from the proposed development will be contained within the subject site and the existing overshadowing presented by the western adjoining properties fence. The eastern adjoining property will experience some overshadowing at 2pm and 3pm and is considered to satisfy the standard and objective relating overshadowing.

Image 11. Endorsed shadow plans for 230 Settlement Road (western adjoining property) – 9am, 12pm and 3pm
It is accepted that the development will result in additional overshadowing to the private open space of the neighbouring units, however it is considered that this will not be a significant increase in overshadowing and will only be for a limited part of the day being the 9am and 10am interval.

It is considered that whilst the development does not meet the standard of Standard B21, it does achieve the objective which is “To ensure buildings do not significantly overshadow existing secluded private open space.”

Noise:

It is considered that impact of noise related to the motel use will be mitigated through the considered design, location and siting of buildings, car parking areas, reception and services including the laundry room. Sufficient setbacks have been provided to adjoining residential properties. The motel unit internal floor plan layouts have proposed balcony and unit entrance inward facing to limit any offsite amenity impacts that might be associated with the arrival and departure of visitors.

It is recommended that conditions on any permit that would be issued advise that any mechanical plant be contained within buildings which provide for noise attenuation or otherwise to the satisfaction of the responsible authority.

Drainage:

A concept Stormwater Management Plan has been submitted and reviewed. It is considered the subject land and proposed development can be satisfactorily drained and that downstream impacts can be satisfactorily managed. Any permit that would be issued will require the submission and endorsement of a detailed Stormwater Management Strategy and an agreement for the ongoing maintenance of onsite drainage infrastructure.
Overlays

Clause 43.02 Design and Development Overlay (DDO4)

The proposal triggers a planning permit under the DDO4 to construct a building and carry out works.

The relevant design objectives are:

- To ensure that development is compatible with traditional town scale and development patterns within San Remo and Cowes.
- To encourage high quality development design.
- To ensure that development design enhances the coastal context, the fine grain appearance and the variety of styles that now characterises Cowes and San Remo.
- To protect views of the urban areas from the waters of Western Port.
- To encourage developments to be outwardly focussed so as to support safe and active streets and public places.

The proposal has been considered against the decision guidelines and is considered to be a satisfactory response for the following reasons:

- The Phillip Island and San Remo Design Framework 2003 has been considered and the proposal is considered to be consistent with the general goals provided for consideration including:
  - The proposed motel development will further reinforce the role of Cowes and major commercial and residential centre on Phillip Island.
  - The proposal is considered to be of a design and building form to be fitting to the character of the area.
  - The proposed development is confined within existing settlement boundaries.
- The DDO4 does not specify building heights for allotments that do not front Thompson Avenue such as the subject site. Even so, the proposed two storey built form of the motel has been assessed against the prevailing built form of the area and the mandatory building heights under the General Residential Zone, and is considered to satisfactorily address both of these.

Particular Provisions Assessment

Clause 52.06 Car Parking

The proposed development complies with the car parking requirements set out at Table 1 of Clause 52.06-5.

Table 1 requires that for a Motel use the following car parking spaces be provided:

- 1 car space to each unit; and
- 1 to each manager’s unit;
- Plus 50% of any ancillary use.
The motel development has proposed 37 units, 1 manager's unit and a small ancillary office/reception area (79m²). The statutory car parking spaces required to be provided is 39 car spaces. The proposed development has provided a total of 39 car spaces which is considered to be in compliance with the particular provision relating to car parking.

A double vehicle crossover is proposed to service the development from Settlement Road with a 6.4m internal driveway provided. This is assessed as being able to provide for the safe and efficient access and egress of vehicles.

A condition on any permit issued will require the provision of a disabled car parking space in accordance with AS2890.6-2009 (disabled) and the Building Code of Australia. It is considered that the provision of this space will not have a consequential impact on the proposal as assessed.

**Clause 55 Two or More Dwellings on a Lot and Residential Buildings**

The proposed development is assessed as having met all relevant objectives, standards and decision guidelines of Clause 55. This has been addressed under the GRZ1.

**Concerns raised by Submitters**

**Neighbourhood Character:**

- **Overdevelopment of area in context with existing unit developments located to west of site**
- **Not consistent with neighbourhood context**

It has been addressed in this report that the proposed motel development on the subject site is assessed to have merit when consideration is given to the broader state and local policies related to development within proximity to established commercial centres. The proposal provides for a development that will be of a similar scale to other adjoining and nearby residential developments when viewed from the Settlement Road interface.

All other issues relating to neighbourhood character have been addressed previously in this report.

**Car parking:**

- **Parking and traffic concerns with the potential additional cars on local street network**
- **Traffic congestion**
- **No provision for bus parking**
- **Overdevelopment of the site which will increase traffic congestion**
- **No disabled car parking and impact on parking provision if required**
- **Loading and unloading concerns with potential use by heavy vehicles**

The proposal has been assessed against Clause 52.06 Car parking of the Bass Coast Planning Scheme and is considered to comply with the statutory requirements of this State-directed particular provision in relation to car parking space numbers for the use of the land for a motel.

There is no requirement under this clause for the provision of bus parking spaces.

The issues related to the provision of disabled car spaces will be sought via a condition if a permit is to be issued.
It is not anticipated that heavy vehicles will need to access the site on a regular occurrence with the use of the land for single room motel units. It is anticipated that service delivery and pick vehicles will be able to undertake deliveries and loading and unloading within the provided car parks parking area.

Off-site Amenity impacts:

- *Privacy impacts with overlooking potential to private open space areas of units located to the west of the site*
- *Noise impacts from occupants coming and going at night, location of laundry area and location of proposed courtyard areas for Motel in close proximity to private open space areas of adjoin residential units*
- *Insufficient setback to residential units and poor design that impacts on adjoining properties*
- *Overshadowing impacts to adjoining properties*
- *Privacy/overlooking impacts*
- *Noise impacts*
- *Concern over location of utilities and services and amenity impacts from these*

The issues of overlooking, overshadowing, building setbacks and noise concerns have been previously addressed in this report.

Concerns have been raised by objectors with the potential for overlooking from the stairways provided to access the upper levels of the motel. The balconies/terraces of the motel units that have the potential overlooking are provided with a minimum setback of 9m to the western adjoining secluded private open space areas and habitable windows for each dwelling on these adjoining allotments. This is considered to satisfy Standard B22 of Clause 55.04-6 (Overlooking) of the Bass Coast Planning Scheme that limits views into existing secluded private open space and habitable room windows.

On-site Amenity Impacts

- *No natural light or sunlight for guests of motel*
- *Secluded private open space provision for each unit not considered*
- *Communal open space not considered*

It is considered that the proposed designs of the motel units have provided for a sufficient level of internal amenity for their intended use, including sufficient access to natural light and open space areas.

Communal open space has now been provided to the eastern side of the motel development with the likely provision of barbecue facilities as well.

Energy efficiency requirements would be considered through the building permit process should a permit be issued.

Waste Management:

- *Waste Management considerations*
- *Waste collection issues*
This has been previously addressed in this report. A condition on any permit that is to be issued will require the preparation and submission of a Waste Management Plan to the satisfaction of the Responsible Authority.

**Drainage**

- *Water sensitive urban design not considered (stormwater)*

This has been previously addressed in this report. A drainage strategy has been reviewed by Council’s Engineers.

**Other:**

- *Devaluation of property*
- *Increase in commercial competition for motels; oversupply of tourist accommodation already; additional motel will create too much competition; request for business feasibility to considered*
- *Discrepancy between advertised plans*
- *Concerns over decision date provided on advertising notice*

Concerns related to devaluation of property are generally not held to be a planning matter that can be considered.

Objections to planning applications that are considered to have been made primarily to secure or maintain a direct or indirect commercial advantage for the objector are generally not considered with reference to section 57(2B) of the *Planning and Environment Act 1987*. 

A review of the advertising material provided as hard copy at Council’s Offices and electronically on Council’s website indicate that the correct plans were made available by Council at the time of advertising. The plans advertised were the plans submitted with the application on 5 July 2018 and those prepared by db design, Ref No: D18042 pages 1-8 of 8, version PD3 Town Planning Drawings and dated 22-06-18.

During the advertising period Council was made aware that a number of adjoining properties at 230 Settlement Rd had not received a written notice of the application. This was corrected and five additional notices were generated and the advertising period extended to accommodate this.

Council is satisfied the application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*.

**Conclusion**

The application has been assessed against the Bass Coast Planning Scheme and is considered to be consistent with the relevant Planning Policy Framework, Local Planning Policy Framework and the decision guidelines of the Mixed Use Zone including Clause 55 (ResCode) and the Design and Development Overlay 4.

The application underwent notification and as a result there were nine (9) submissions received. Concerns raised by submitters were considered in the assessment of the application.
It is recommended that Council resolves to issue a notice of decision to grant a planning permit for application 180226, subject to conditions.

Recommendation

That in relation to planning permit application 180226 for the use and development of the land for a Motel located at 226-228 Settlement Road, Cowes, Council resolves to issue a Notice of Decision to Grant a Permit, subject to the following conditions:

Amended Plans

1. Before the use and/or development commences, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans prepared by DB Design, Ref No D18042, Issue/Version PD5 and dated 11-12-18 but modified to show:
   
a) A schedule of external materials, finishes and colours incorporating colour samples.

b) The location of external plant and equipment including but not limited to service units for heating, cooling and hot water, solar panels, service shafts, ventilation systems, waste chute, television antennae and communication devices, service metres, and clotheslines, which are to be located and designed so as not to be visually prominent from the public realm or neighbouring properties. Where visible the plant must be appropriately screened.

c) A disabled car parking space/s as required and in accordance with AS2890.6-2009 (disabled) and the Building Code of Australia.

d) Any changes recommended by the Waste Management Plan as required by condition 13 of this planning permit.

General Conditions:

2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

3. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cable under the control of the public authority without the prior written consent of the relevant authority and the responsible authority.
Consolidation of titles

4. Before the use and/or development starts the land titles subject to the this permit being Lot 1 PS623879A and Lot 2 PS62379A must be consolidated under the Subdivision Act 1988 to the satisfaction of the responsible authority.

Landscape Plan

5. Before the use starts/development is occupied or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

6. The landscaping shown on the endorsed plans must be thereafter maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Engineering Conditions

7. Prior to the issue of a building permit, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and endorsed by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of the Infrastructure Design Manual (IDM) and must provide for the following:

   a) How the land including all buildings, open space and paved areas within each lot will be drained for a 1 in 5 year ARI storm event to the legal point of discharge;

   b) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Bass Coast Shire Council's stormwater drainage system by the existing underground drainage property connection;

   c) The provision of stormwater detention within the site and prior to the point of discharge into Bass Coast Shire Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using an allowable discharge rate for the site 37 l/sec/ha;

   d) Provision of over-land surcharge routes or onsite detention capacity for all storm events up to and including the 1 in 100 year ARI to ensure there are no adverse flooding effects downstream of the land;

   e) No part of any above ground stormwater detention system is to be located within a stormwater drainage easement or a sewerage easement unless with the Responsible Authority's
written approval;

f) Vehicle access, to be designed in accordance with IDM standards, must also be shown on the drainage plan.

8. Prior to the issue of Certificate of Occupancy, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:

a) All drainage works must be constructed in accordance with a site drainage plan for the property as endorsed by the Responsible Authority pursuant to this planning permit;

b) Photographic evidence of the legal point of connection to Council’s drainage system must be provided if Council inspection cannot be arranged prior to backfilling;

c) Areas for vehicle access and car parking within the land must be concreted and constructed in accordance with the endorsed plans and IDM standards;

d) Car parking spaces must be line-marked in accordance with the endorsed plans and AS 2890.1:2004;

e) All proposed vehicle crossings must be constructed in accordance with the endorsed plans and IDM standards (i.e. SD 245);

f) All redundant vehicle crossings abutting the site shall be removed and the kerb, channel, nature strip and footpath shall be reinstated.

9. Prior to the issue of a Building Permit by the relevant Building Surveyor, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration and any subsequent removal of the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the Responsible Authority prior to the issue of a Building Permit, authorised by this permit. The agreement will stipulate that:

a) The owner will maintain and not modify the on-site storm water detention system without prior Council written approval, and will allow the system to be inspected by a duly appointed officer of the Council at mutually agreed times;

b) The capacity of the on-site stormwater detention system cannot be reduced and must be maintained to the satisfaction of the Responsible Authority; and

c) The owner will pay for all the costs associated with the operation, maintenance and Council inspection of the on-site storm water detention system.
The cost of preparation, lodgement and registration of the agreement and any subsequent amendment, enforcement, removal or other dealing associated with the agreement shall be borne totally by the owner of the land.

10. No mud, dirt, sand, soil, clay, stones, oil, grease, scum, litter, chemicals, sediments, gross pollutants, animal waste or domestic waste shall be washed into, allowed to enter or discharged to the stormwater drainage system, receiving waters or surrounding land and road reserves, during the construction works hereby approved to the satisfaction of the Responsible Authority.

11. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

12. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the responsible authority.

Waste Management Plan

13. Prior to the commencement of the development, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the permit. The plan must address, but not necessarily be limited to the following:

   a) the storage and collection of waste from the motel and ancillary operations including provision for bulk waste collection bins or approved alternative recycling bins, and the storage of other refuse and solid wastes in bins or receptacles within suitably screened and accessible areas to the satisfaction of the Responsible Authority;

   b) designation of methods of waste collection including the need to provide for private services or utilisation of Council services;

   c) appropriate areas of bin storage on site and areas for waste bin storage on collection days;

   d) details for best practice waste management of the motel once operating;

   e) the regular removal of waste and litter from all areas of common property and the public walkway; and

   f) restricting the hours for waste collection from the site to the following hours (unless with the further consent of the Responsible Authority):

      • Monday to Saturday: 6.00am to 7.00pm.
      • Sunday and Public holidays: 7.00am to 7.00pm.
Construction Management Plan

14. Prior to the commencement of works, a Construction Management Plan must be prepared, submitted to, and approved by the Responsible Authority. Once approved, the plans will form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The plan must provide for, but is not limited to:

   a) Access;
   b) Materials storage;
   c) Worker parking;
   d) Interim stormwater and sediment runoff;
   e) Environmental management;
   f) Construction hours;
   g) Compliance with Construction Techniques for Sediment Pollution Control (EPA publication 275) and EPA noise control guidelines with respect to construction and demolition site noise.

Amenity

15. All air conditioning plant and equipment and services shall be located so as to be incorporated within the building and should not project beyond the roofline or from an external wall and appropriately located and baffled to minimise noise levels to the satisfaction of the Responsible Authority.

16. The amenity of the area must not be detrimentally affected by the use or development, through the emission of noise to the satisfaction of the responsible authority.

17. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

18. The use and development must be managed to the satisfaction of the responsible authority, so that the amenity of the area is not detrimentally affected through the:

   a) Transport of materials, goods or commodities to or from the land;
   b) Appearance of any buildings, works or materials;
   c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
   d) Presence of vermin.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

20. All waste material not required for further on-site processing must be regularly removed from the site. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the responsible authority.

21. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

22. The loading and unloading of vehicles and the delivery of goods must at all times be undertaken within the boundaries of the subject land and not occur outside the hours of between 8am and 7pm daily.

Permit expiry – Development and use

23. This permit will expire if one of the following circumstances applies:
   a) The development is not started within two years of the date of this permit;
   b) The development is not completed within four years of the date of this permit;
   c) The use has not started within two years of completion of the development;
   d) The use is discontinued for a period of more than two years.

In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

Attachments

<table>
<thead>
<tr>
<th>AT-1</th>
<th>Decision Plans</th>
<th>8 Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT-2</td>
<td>CONFIDENTIAL - Submissions</td>
<td>22 Pages</td>
</tr>
</tbody>
</table>

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Bruce Kent
That the recommendation be adopted.

CARRIED
Conflict of Interest

Cr Julian Brown declared a Conflict of Interest in agenda item H.3 under section 78 of the Local Government Act 1989. He left the meeting at 5.45pm and took no part in the debate or decision.

Application Details

Use/Development Sought: Display of a major promotion sign
The Land: 1 / 130-132 McKenzie Street, Wonthaggi
Planning Scheme: Bass Coast Planning Scheme
Zoning: Industrial Zone (Schedule 1)
Overlays: No overlays apply

Declaration

The author has no direct or indirect interests in relation to this report.

Executive Summary

The application proposes development of land at 1 / 130-132 McKenzie Street, Wonthaggi for the display of a major promotion sign.

The proposal triggers the need for a planning permit under clause 52.05-12 of the Planning Scheme.

The application was advertised and attracted eight objections.

This report addresses the planning merits of the proposal and the issues raised by objectors. It concludes that the proposal does not accord with the relevant provisions of the Bass Coast Planning Scheme.

On this basis, it is recommended that Council resolves to issue a refusal to grant a planning permit for planning application 180267.

Strategic Basis

Council Plan Objective:
Our Character – Celebrating the uniqueness of our townships

Strategic Outcome:
- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

**Strategic Indicators:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build capacity in community planning</td>
<td>Host quarterly community building events and networking opportunities each year</td>
</tr>
<tr>
<td>Overall Community Satisfaction Rating</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Advocate on behalf of the community on key planning issues *</td>
<td>Make representation to state and federal government on key planning matters</td>
</tr>
<tr>
<td>Review the Municipal Strategic Statement</td>
<td>Completed by June 2018</td>
</tr>
<tr>
<td>Develop a strategic vision/plan for Wonthaggi as regional centre</td>
<td>Implement actions identified in Wonthaggi Dalyston Structure Plan review</td>
</tr>
<tr>
<td></td>
<td>Strategic vision developed and adopted</td>
</tr>
<tr>
<td>Wonthaggi North East Precinct Structure Plan</td>
<td>Implement into Planning Scheme by June 2018</td>
</tr>
<tr>
<td>Sites and Theme Plan 2014-24</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Incorporate the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism in the Planning Scheme as a reference document</td>
<td>Planning Scheme updated by June 2018</td>
</tr>
</tbody>
</table>

**Application Details**

The application proposes to erect and display a major promotion sign. The proposed sign would have two signboard panels for the display of static images that would change from time to time. The proposed sign is not electronic but would be lit with eight 400 watt floodlights affixed to the top of the structure. Both signboards have dimensions of 12.66 metres width and 3.35 metres height for a total area on each side of 42 square metres. The sign has an additional 0.65 metre cladding area underneath that contains a small corporate logo. The maximum height of the sign structure is 7 metres.

The proposed major promotion sign would be located toward the western boundary of the subject site, with the intent to be visible to both northbound and southbound motorists along McKenzie Street (Bass Highway).

A copy of the proposed plans is provided as attachment one (AT-1), with an excerpt from these plans shown in Figures 1 and 2 below:
Figure 1: Proposed position of major promotion sign in relation to subject site
Figure 2: Axonometric view, front and side elevation of proposed major promotion sign

Reason a Council Decision is required

Council’s delegations require applications that attract five or more objections to be determined by Council. This application was placed on notice and attracted eight (8) objections.

Background

Following is a description of the subject site and other relevant information pertaining to the allotment.
**Land description**
The subject site is a rectangular lot with a 40.23 metre wide frontage to the Bass Highway (McKenzie Street), and a depth of 80.47 metres. The site is currently developed with industrial warehouse style buildings used by MWC Engineering Pty Ltd.

**Easements / Restrictive Covenants**
There are no encumbrances on title that would affect the proposed development.

**Aboriginal Cultural Heritage Sensitivity**
No

**Planning Permit History**
The site has no previous planning permits.

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**Site and Surrounding Area**

*Figure 3: Aerial image of the site in its broader context*
Figure 3: Aerial image of the site in its immediate context

Figure 4: View from north along McKenzie Street showing subject site to left and location of proposed sign.

The subject site is located within a 7.4 hectare triangular pocket of industrial zoned land (IN1Z), bound by McKenzie Street (Bass Hwy) to the west and White Road to the north. The land is rectangular in shape with an area of approximately 3237 square metres. The land is generally flat and devoid of vegetation.
The subject site is currently utilised by MWC Engineering Pty Ltd and contains several industrial type buildings with a minimum front setback of approximately 12.5 metres.

The surrounding area contains a mix of commercial, industrial, residential and service uses.

Land to the immediate north contains a single commercial building occupied by two businesses; SG Off-road and the ‘Funky Pickers Shed’. This site is characterised by a front setback of approximately 16 metres to accommodate car parking at the front of its site.

Land to the south contains a large commercial complex containing a variety of businesses including South Coast Décor Centre, Dollar Curtains, National Tiles, Supercheap Auto, Voyage Fitness and Bass Coast Spray Painting. The buildings for this site have a minimum front setback of 11 metres.

Land along the opposite side of McKenzie Street contains lots within the General Residential Zone, occupied by predominantly single storey dwellings. Beyond this row of dwellings is Wonthaggi Golf Course, the entry to which is located approximately 75m south of the site.

The subject site is approximately 650m north of the Wonthaggi commercial activity centre.

Notice

Notice of the application was required under Section 52 of the Planning & Environment Act 1987, as the responsible authority was not satisfied that the grant of the permit would not cause material detriment to any person.

The Applicant gave notice in the following manner:

- Sent copies of the Notice by registered mail to nearby owners / occupiers of 31 properties within the nearby vicinity, east and west of the subject site along both sides of McKenzie Street.
- Placed a Notice on the land; and
- Published a copy of the Notice in the South-Gippsland Sentinel Times on 23 October 2018.

Submissions

In response to notification the application attracted a total of eight objections.

A summary of these objections is listed in the following table and a copy of each objection is included in attachment two (AT-2).

**Table one**: Summary of Concerns raised in each objection

<table>
<thead>
<tr>
<th>Submission</th>
<th>Summary of Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>• Proposed signage would obstruct views to objector’s business premises, with potential loss of business.</td>
</tr>
</tbody>
</table>
| 2.         | • Negative visual amenity impact at entrance to settlement.  
• Obstruct visibility to adjacent businesses. |
3. • Scale of proposal inappropriate.
   • Unnecessary development.
   • Obscures views of street and sky.
   • Obstruct visibility to adjacent businesses.
   • Sets negative precedent.

4. • Potential traffic hazard.
   • Obstruct visibility to adjacent businesses.
   • Negative visual amenity impact.

5. • Unnecessary development.
   • Distracting.
   • Negative visual amenity impact.
   • Could be located elsewhere.

6. • Scale of proposal inappropriate.
   • Distracting.
   • Potentially detrimental to surrounding business.
   • Inappropriate development for entrance to settlement.

7. • Devaluation of nearby residential properties.
   • Scale and location of proposal inappropriate in its context.
   • Distraction to drivers.
   • Negative visual amenity impact at entrance to settlement.
   • Obstruct visibility to adjacent businesses.
   • Sets negative precedent.

8. • Devaluation of nearby properties.
   • Obscures views of sky.
   • Distraction to motorists.
   • Unnecessary development.
   • Scale and location of proposal inappropriate in its context.

Referrals

The following table outlines the referral requirements of this application.

**Table two: Referral requirements and their comments**

<table>
<thead>
<tr>
<th>Referral Authority</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>External (Section 52 of the Planning and Environment Act 1987)</td>
<td>The proposal was referred to VicRoads for comment. VicRoads have suggested a condition regarding maximum sign luminance standards be placed on permit, should one be issued.</td>
</tr>
<tr>
<td>VicRoads</td>
<td></td>
</tr>
<tr>
<td>Internal (Section 52 of the Planning and Environment Act 1987)</td>
<td>Council’s Property Department for comment regarding proximity to road reserve boundaries. No objections subject to the sign remaining</td>
</tr>
</tbody>
</table>
Planning Scheme Requirements

The proposal triggers the requirement for a planning permit under Clause 52.05-12 of the Planning Scheme.

Officer’s Considerations

Planning Policy Framework Assessment

The local and state planning policies relevant to this application include:

- Clause 15 – Built Environment and Heritage
- Clause 15.01-1S – Urban Design
- Clause 15.01-2S – Building Design
- Clause 15.01-5 – Neighbourhood Character
- Clause 15.01-6S – Design for Rural Areas
- Clause 21.01-5 – Municipal Profile (Vision)
- Clause 21.05-4 – Design and Built Form
- Clause 21.05-8 – Landscape and Built Form (Advertising Signs)
- Clause 21.07-2 – High Growth Regional Centre (Wonthaggi)
- Clause 21.10 – Reference Documents (Bass Coast Strategic Coastal Framework 2011)

Clause 15 (Built Environment and Heritage) directs that planning ensure all land use and development minimise detrimental impacts and respond appropriately to surrounding built form.

Clause 15.01-1S (Urban Design) includes strategies that seek to ensure development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads. Strategies also seek to promote good urban design along and abutting transport corridors.

Clause 15.01-2S (Building Design) includes strategy to ensure the form, scale and appearance of development enhances the function and amenity of the public realm.

Clause 15.01-5 (Neighbourhood Character) seeks to ensure development respond to its context, reinforces a sense of place and the characteristics of the local environment by emphasising the pattern of local urban structure and built form.

Clause 15.01-6S (Design for Rural Areas) includes strategy that seeks to protect character areas along township approaches and sensitive tourist routes by ensuring new development is sensitively located.

Clause 21.01-5 of the Planning Scheme refers to specific visions for the municipality, including ‘improved appearance of advertising signage across the municipality’.

Clause 21.05-4 (Design of Built Form) includes strategy that seeks to ensure design and site development complements its context, including high quality of design in industrial estates.
Clause 21.05-8 - Landscape and Built Form (Advertising Signs) states that advertising signage has a significant visual impact on the built environment and rural landscape within the municipality, further noting that advertising signage is often erected in locations that are inappropriate and have no physical relationship with the advertised material. The overview to this clause also notes the impact of ‘visual clutter’ through advertising material on the character of the municipality and potential impact to road safety. The objective of Clause 21.05-8 is to ‘improve the appearance of advertising signage’, and includes strategies to:

- Discourage the proliferation of advertising signage in rural areas, in locations with high scenic values and along major tourist routes
- Discourage signs that do not relate to the use or development of the land on which they are sited
- Minimise the visual impact of signage, and avoid further visual clutter of signage across the landscape
- Discourage large, visually intrusive or brightly coloured signage, and advertising signage at settlement entrances and exits

Clause 21.07-2 (High Growth Regional Centre - Wonthaggi) seeks to encourage industrial and associated uses to locate away from residential areas.

Assessment

The proposed major promotion sign is inconsistent with planning policy relating to urban design, built form and neighbourhood character that seeks to ensure any new development respects its context, minimise detrimental impacts to amenity and is compatible with the pattern of surrounding built form. The sign is a standalone structure located forward of its host building and within an area which has a wide street setback. As considered further under Clause 52.05, the surrounding context is deemed insufficiently robust to moderate the visual impact of this proposed development.

The proposed sign is not supported by policy (Clauses 15.01-6S and 21.05-8) that seeks to discourage signage, and specifically major promotional signage along tourist routes. As part of the Victorian Government Coastal Strategy (2008) that sought to manage development pressures in coastal towns beyond metropolitan Melbourne, including the pressures of coastal tourism, the Bass Coast Strategic Coastal Planning Framework (June 2011) was prepared and implemented through Amendment C93. Section 3.8 of this document includes a list of roads and map of the Bass Coast Scenic Drive Road network. This includes that section of the Bass Highway fronting the subject site as part of this tourist drive.

The proposed major promotion sign is deemed inconsistent with policy (Clauses 15.01-6S and 21.05-8) that seeks to discourage large or visually intrusive signage at settlement entrances or exits. Wonthaggi has an extended settlement entry when travelling from the west, commencing with the stretch of White Road between the western settlement boundary, and its turn south into McKenzie Street. The subject site is located along the extended settlement entry, being on the main highway route 700 metres north of the Wonthaggi commercial activity centre. A township entry sign, with Wonthaggi town name and volunteer community service group insignia is placed to the eastern side of McKenzie Street, 200 metres south of the subject site. The proposed sign is considered to be a poor design response that will negatively impact on the established character the township entry.
Zone Assessment

Clause 33.01 – Industrial 1 Zone (IN1Z)

The subject site is located within the Industrial 1 Zone (IN1Z), the purpose of which is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework; and
- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Clause 33.01-5 of the IN1Z directs that signage be considered against under the planning triggers and relevant decision guidelines of Clause 52.05 (Signs). An assessment against Clause 52.05 is considered further in this report.

Overlay Assessment

The subject site is not affected by any planning overlays.

Particular Provisions Assessment

Clause 52.05 – Signs

The purpose of Clause 52.05 is:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Advertising signage in the Industrial 1 Zone is in Category 2 of Clause 52.05. This category is “low limitation” with the purpose of signage controls in such areas is:

- To provide for adequate identification signs and signs that are appropriate to office and industrial areas.

Before deciding on an application the responsible authority must make consideration for all signs, as appropriate:

- The character of the area (including consistency with any identifiable advertising theme in the area)
- The impact on views and vistas (including potential to impede views to existing signage)
- The relationship to the streetscape, setting or landscape
- The relationship to the site and building
- The impact of structures associated with the sign
- The impact of any illumination
- The impact of any logo box associated with the sign
• The impact on road safety

Clause 52.05-8 also contains specific provisions relating to Major Promotion Signs, including the effect of the proposed Major Promotion Sign on:

• Significant streetscapes, buildings and skylines
• The visual appearance of a significant view corridor, viewline, gateway location or landmark site identified in a framework plan or local policy
• Residential areas and heritage places
• Open space and waterways

When determining the effect of a proposed Major Promotion Sign, the following locational principles must also be taken into account:

Major Promotion Signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area

Major Promotion Signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways

Major Promotion Signs are discouraged within open space reserves or corridors and around waterways

Major Promotion Signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines

In areas with strong built form character, Major Promotion Signs are encouraged only where they are not a dominant element in the streetscape

Assessment

Character (consistency with any identifiable advertising theme in the area)

There is a mix of advertising signage within the immediate surrounding area as follows:

• The majority of warehouse and retail businesses within the IN1Z have some form of business identification signage located on the façade of their host buildings generally of a scale that may be identified by passing motorists.
• Three standalone pylon signs located approximately 50 metres and 140 metres south of the subject site, two of these being shared by the several businesses at 1/120 to 6/120 McKenzie Street, the other located approximately 140 metres south at the entry to a commercial carwash.
• A major promotion sign attached on the northern wall of the warehouse to the immediate north of the site, with a sign panel of similar scale to that proposed, however contained within the building structure.
• A township entry sign 200 metres south of the site for the display of Wonthaggi town name and community service organisation insignia.
• A narrow form illuminated pylon sign associated with the BP service station, located on the eastern side of McKenzie Street, 230 metres south of the site.
The general signage theme is of high wall panel signage identifying individual businesses in the industrial area. Signage is conservative and generally consists of a single business name attached to the wall of each building of a scale to be read by passing motorists. The three standalone pylon signs also contain smaller business name panels, including identification of those businesses that are set further back from McKenzie Street.

The proposed major promotion sign does not relate to the existing signage theme, being neither integrated with an existing structure, nor identifying a business operating on that site.

**Impact on views and vistas (the potential to impede views to existing signs)**

The proposed development is considered to impede views to three individual business identification signs south of the subject site (1/120 McKenzie Street). The signboards for South Coast Décor Centre, Dollar Curtains and National Tiles are attached to the western façade of this neighbouring building, recessed directly behind the proposed sign and will be obstructed for any southbound motorist.

There is deemed to be little or no impact to visibility of existing business identification signage north of the subject site.

**Relationship to the streetscape, setting or landscape**

When assessing a sign under Clause 52.05-8, planning consideration is given to the position, proportion, scale and form of the proposed sign relative to its host site, host building, streetscape and surrounding context.

Surrounding buildings within the IN1Z to the east of McKenzie Street consist of light industrial development and various mixed retail and service uses, with built form having an estimated height between 5 and 6.5 metres and sharing a consistent setback of 14 to 20 metres from their western property boundaries along McKenzie Street. The exception being Wonthaggi Ambulance Station which is located 80 metres south of the site, which has a setback of approximately 4 to 6 metres from its western boundary. The only other structures that approach into this setback are a line of electricity poles with attached street lighting, and three standalone pylon pole signs, each approximately 6 metres high and 2 metres in width, two of these being located 50 metres south of the site, the other located approximately 40 metres south of the site at the entry to a commercial carwash.

The western side of McKenzie Street is characterized by a strip of dwellings set back approximately 10 metres from their eastern boundary. The 9 metre verge on this side of McKenzie Street contains a row of large established street trees, footpath and dwelling crossovers.

While the height of the sign is comparable to the adjacent building on its host site, its orientation, size and position toward the western edge of its host site is contrary to the generally consistent setback pattern and open nature of McKenzie Street. Surrounding buildings within the IN1Z are not of such a robust character that they could assist in moderating the visual impact of the proposed major promotion sign. Along with this road corridor shared by the general residential zone, the visual impact of the sign and its siting is considered inappropriate to its context.
When determining the effect of a major promotional sign, the following locational principles are relevant to this application:

- **Major Promotion Signs are encouraged in commercial and industrial locations in a manner that complements or enhances the character of the area.**

For the reasons considered previously, it is considered that the proposed sign would not make a positive contribution to the overall pattern and presentation of the McKenzie Street streetscape, and is contrary to the character of the area.

- **Major Promotion Signs are discouraged along forest and tourist roads, scenic routes or landscaped sections of freeways.**

As discussed elsewhere in this report, this section of Bass Highway is identified within the Bass Coast Strategic Coastal Planning Framework (June 2011) as forming part of Bass Coast Scenic Drive Road network, a key tourist route.

- **Major Promotion Signs are discouraged where they will form a dominant visual element from residential areas, within a heritage place or where they will obstruct significant viewlines.**

The nearest residential properties to the subject site are located along the western side of McKenzie Street with the closest property approximately 30 metres from the proposed major promotion sign.

Following an inspection of the site and nearby dwellings between 109 and 141 McKenzie Street, the proposed sign is considered to be sufficiently screened and only partially visible from within residential property boundaries, given the single storey scale of these dwellings, dwelling setbacks, fencing and intervening vegetation. The proposed major promotion sign would, as expected, be prominent when exiting these properties onto McKenzie Street, but is not deemed to form a dominant visual element from residential areas. The proposed sign is not located near a heritage place, nor is it considered to impede views to features of special or valued significance.

**Concerns raised by Submitters**

The following is an assessment of the remaining concerns of objectors that have not been addressed in this report:

**Potential traffic hazard / distraction to motorists**

The subject site is adjacent to McKenzie Street (Bass Highway), a State controlled Category 1 Road. The proposed development was referred to VicRoads as an authority responsible for assessing potential safety impacts from development adjacent to Category 1 Roads. VicRoads advise that, should a permit be issued, it has no objection to the proposal subject to conditions.

**Devaluation of nearby properties**

Objectors raised concern that a major promotion sign in the nearby area would result in declining property values in the surrounding area. The effect to property value is not a planning consideration.

**Sets negative precedent**

Planning must consider each application on its own merit, with consideration to relevant planning policy and planning controls applying at that time.

**Scale and location of proposal inappropriate in its context**
Objectors raised concerns about negative amenity impacts, including inappropriate scale and prominence of the sign in its proposed location. This is considered against the relevant decision guidelines of Clause 21.05-8 and Clause 52.05 elsewhere in this report.

**Inappropriate development for entrance to settlement**

Several objectors raised concern that the proposed sign was an inappropriate feature within the entrance to Wonthaggi. The subject site is located on a main highway route 700m north of the Wonthaggi commercial activity centre. The proposal is deemed inconsistent with planning policy (Clause 21.05-8) that seeks to discourage large or visually intrusive signage at settlement entrances or exits.

**General provisions – Clause 65**

This application has been assessed in accordance with Clause 65 and is not considered to support the provisions of this clause for the following reasons:

- The proposal is deemed contrary to the relevant Municipal Planning Strategy which seeks to discourage the proliferation of signage along tourist routes, minimize the visual impact of signage and avoid large, visually intrusive signage at settlement entrances and exits (Clause 21.05-8).

- The proposal is deemed contrary to the Planning Policy Framework provision relating to urban design (Clause 15.01-01S), which seeks to minimize detrimental impacts to amenity, and promote good urban design along and abutting transport corridors.

- The proposal is not considered to support the Particular Provision relating to signs (Clause 52.05) as the proposal is considered contrary to surrounding character (identifiable advertising theme); is deemed to have a negative impact on views to adjacent business signage; and the scale and position of the sign has a poor relationship to its streetscape.

- The proposal is deemed to have an unreasonable impact on the amenity of the area.

**Conclusion**

The application has been assessed against the Bass Coast Planning Scheme and is considered inconsistent with the relevant objectives of the Planning Policy Framework and the decision guidelines of Clause 52.05.

The application underwent notification and as a result there were eight objections received. Concerns raised by submitters are considered in the assessment of the application.

For the reasons outlined in this report, it is recommended that Council resolves to issue a notice of decision to refuse planning permit application 180267.
Recommendation

That in relation to planning permit application 180267 for the display of a Major Promotion Sign at 1/130-132 McKenzie Road, Wonthaggi, Council resolves to issue a Notice of Refusal on the following grounds:

1. The proposal is contrary to relevant Municipal Planning Strategy (Clause 21.05-8) which seeks to discourage the proliferation of signage along tourist routes, minimize the visual impact of signage and avoid large, visually intrusive signage at settlement entrances and exits.

2. The proposal does not support the Particular Provision relating to signs (Clause 52.05) as the proposal is considered contrary to surrounding character (identifiable advertising theme); is deemed to have a negative impact on views to adjacent business signage; and the scale, orientation and position of the sign has a poor relationship to its streetscape and surrounding character.

3. The proposal does not support the General Provisions of Clause 65, as it will result in an unreasonable impact to the amenity of the area.

Attachments

AT-1 Site and Floor Plans - 1/130-132 McKenzie Street Wonthaggi - 180267 1 Page

AT-2 CONFIDENTIAL - Submissions 17 Pages

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Geoff Ellis
That the recommendation be adopted.

CARRIED

Cr Julian Brown returned to the meeting at 5.48pm.
H.4 Investigation into feasibility of taking over roadside maintenance on Phillip Island

File No: CM19/3
Division: Infrastructure & Environment
Council Plan Strategic Objective: Liveability
Enjoying the place we live

Declaration
The author has no direct or indirect interests in relation to this report.

Summary
Council, at its Ordinary Meeting of 21 November 2018, resolved as follows:

1. Investigate the feasibility of taking over mowing and minor maintenance of arterial roadsides (controlled by Regional Roads Victoria) on Phillip Island.
2. Investigate the financial and resourcing impact of assuming maintenance responsibility of these roadsides.
3. Receive a report detailing findings and options at the Ordinary Meeting in February 2019.

This report discusses the existing operational responsibilities for both Council and Regional Roads Victoria in regards to the ongoing maintenance of the roadsides on Phillip Island and provides the financial implications of a number of options relating to Council assuming the responsibility of the arterial road network on Phillip Island.

Regional Roads Victoria currently cuts the arterial roadsides up to three times per year and has a budget allocation of $25,410 to perform these works.

An assessment has been undertaken by Council Officers relating to the financial implications of bringing this service in house. The following table provides the operational budget required for a number of options relating to roadside maintenance:

<table>
<thead>
<tr>
<th></th>
<th>3 METRE CUT</th>
<th>FENCE TO FENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COUNCIL</td>
<td>CONTRACTOR</td>
</tr>
<tr>
<td>1 cut</td>
<td>$6,430</td>
<td>$10,080</td>
</tr>
<tr>
<td>3 cuts*</td>
<td>$19,290</td>
<td>$30,240</td>
</tr>
<tr>
<td>6 cuts</td>
<td>$38,580</td>
<td>$60,480</td>
</tr>
<tr>
<td>9 cuts</td>
<td>$57,870</td>
<td>$90,720</td>
</tr>
<tr>
<td>12 cuts</td>
<td>$77,160</td>
<td>$120,960</td>
</tr>
</tbody>
</table>

*similar to existing level of service
Should Council take on the works, the capital budget would need to include the acquisition of an additional tractor with slasher or reach cutting attachment, which would cost $150,000 to $200,000. Plant of this type would require a changeover every 10 years. The figures in the table for Council costs assumes full utilisation of the plant with operational costs (including depreciation) spread across other activities.

This report recommends that Council receives the report detailing the findings of the investigation into the feasibility of taking over the roadside maintenance of the arterial road network on Phillip Island.

Background

Under the provisions of the Road Management Act 2004, a code of practice for the operational responsibility for Public Roads has been made. This code provides guidance in determining the physical limits of operational responsibility between road authorities for the different parts or elements within the road reserves of public roads.

In accordance with this code, Regional Roads Victoria (formally VicRoads) is generally responsible for the arterial road network and roadsides in rural areas, with Council responsible for roadside maintenance in urban areas.

Urban areas generally include:

- Those with a speed limit of 60 kilometres per hour or less or where there are buildings next to the road; or
- Where there is street lighting, at intervals not exceeding 100 metres for a distance of at least 500 metres

Given the range of different circumstances and conditions that may not strictly fit into the above categories, and to ensure there are no gaps in the interpretation of this code, a demarcation schedule has been agreed between Regional Roads Victoria (RRV) and Council. This schedule documents the agreed areas of responsibility for arterial roads on Phillip Island.

A map showing the arterial roads for which RRV is the responsible authority in Bass Coast Shire Council is included as Attachment 1 (AT-1).

At its Ordinary Meeting held on 19 December 2018, Council resolved to:

1. Investigate the feasibility of taking over mowing and minor maintenance of arterial roadsides (controlled by Regional Roads Victoria) on Phillip Island.
2. Investigate the financial and resourcing impact of assuming maintenance responsibility of these roadsides.
3. Receive a report detailing findings and options at the Ordinary Meeting in February 2019.

Strategic Basis

Council Plan Objective:

Liveability – Enjoying the place we live

Strategic Outcome:

- Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
- Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
- Plan for and support a healthy, connected and active community
- Support youth recreation and learning activities in our community
- Support dynamic and diverse arts and cultural activities
- Protect our natural environment balanced with access for all to enjoy
- Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
- Plan and provide well maintained public amenities and facilities

**Strategic Indicators:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community grants program supporting events</td>
<td>Funding contributed to community events as identified in Annual Budget</td>
</tr>
<tr>
<td>Develop Municipal Recreation Plan</td>
<td>Developed by June 2018</td>
</tr>
<tr>
<td>Implement annual Health and Wellbeing Action Plan</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Build community infrastructure that improves quality of life</td>
<td>90% of the projects included in the Capital Works program to be completed</td>
</tr>
<tr>
<td>Implement Asset Management Policy and Strategy Improvements</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implementation of annual maintenance programs</td>
<td>Annual program implemented</td>
</tr>
<tr>
<td>Implement priorities identified in the Pathways Network Plan 2016</td>
<td>Delivery of identified budgeted path projects</td>
</tr>
<tr>
<td></td>
<td>Grant opportunities identified and applied for</td>
</tr>
<tr>
<td>Develop and Implement Domestic Animal Management Plan 2017-20</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement Arts and Culture Plan 2015-19</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td></td>
<td>New plan revised and adopted by 2019</td>
</tr>
<tr>
<td>Implement Youth Action Plan 2016-20</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td></td>
<td>New plan revised and adopted by 2020</td>
</tr>
<tr>
<td>Bass Valley Children’s Centre construction</td>
<td>Construction completed and facility opened by February 2018</td>
</tr>
</tbody>
</table>

**Strategies / Policies**

Bass Coast Shire Council Road Management Plan 2017

Road Services Asset Management Plan (currently under review)
Statutory Requirements/Codes/Standards/Policies

Victorian State Government Road Management Act 2004
VicRoads Road Management Plan 2014

Discussion

Bass Coast Shire Council is the responsible authority for approximately 970 kilometres of sealed and unsealed road network across the municipality.

An area of responsibility includes the maintenance of roadsides. Depending on grass growth rate, each zone receives between two and three cuts per year with our link and collector road network (these are roads with a higher level of traffic) receiving a minimum of three cuts per year.

The municipality is broken into six zones (refer Attachment 2) with Council performing the roadside maintenance on zones one, two, five and six. Council cuts zones one, two, five and six utilising three pieces of plant, being two Fendt tractors (slasher and reach cutting attachments) and one small Kubota during peak periods. This plant is currently utilised to capacity as it is also used for the maintenance of areas of open space, drainage easements, fire access tracks, pathways and trails.

Zones three and four are maintained under an annual supply contract for the supply of roadside slashing.

RRV is responsible for the roadside maintenance of the arterial networks, generally being the highway and main roads across the municipality as shown on Attachment 1.

Phillip Island makes up zone one and sections of zone two. The road network managed by Council currently receives four cuts per year, subject to growth rates and major events that may be occurring at the time. Using the existing plant, it currently takes Council between seven to nine days per cut to cut this area of road network.

RRV have provided the following information regarding the current level of service and resource requirement currently used to maintain the arterial network on Phillip Island. A financial breakdown is included in the Finances section of this report.

“RRV - Current maintenance budget for grass mowing, grass and weed control and litter collection is summarised below:

- Mowing: Spring cut 1.8 metres one x tractor/lassher six days cutting
- Mowing Summer/Autumn cuts two x tractors/lassher 10 days cutting
- Operational services litter pick up in conjunction with other patrol duties

Should Council wish undertake these activities on behalf of VicRoads and annual allocation of $25,410 could be made as a contribution to the works.”

Although RRV currently has a service level stating two cuts per year on Phillip Island, Officers are aware that over recent years RRV have completed three cuts on the Island. RRV has also worked closely with Council to try and better align cuts with Councils program and major events held on Phillip Island. The service level also states a minimum 1.8 metre cut, however typically a three metre cut is performed.

This is different to the service level by Council on rural roads where it endeavors to cut to the fence line on its network where possible.
Should Council take on the responsibility for the roadside maintenance on the arterial road network on Phillip Island, it could be completed under annual supply contract as per zones three and four, or could be done internally using operational staff and plant. However should it be done internally, an additional tractor with slasher attachment and one full-time employee would be required to provide the additional service. This would ensure that roadside maintenance service levels in other areas across the municipality are not reduced.

Officers have performed an assessment of the arterial road network on Phillip Island and estimate that a three metre cut could be completed over four days using both tractors (with slasher and reach cutting attachments). Should a broader fence line to fence line cut be required, it would take approximately nine days to complete using the same plant and equipment.

If Council was to enter into an agreement with RRV to service their network, it would impact the ability to meet service targets in other areas across the Shire without an increase in resources.

Finances

The current budget allocated by RRV is as follows:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mowing: Spring cut 1.8 metres</td>
<td>$5,100</td>
</tr>
<tr>
<td>Mowing: Summer/Autumn</td>
<td>$17,000</td>
</tr>
<tr>
<td>Litter pick up</td>
<td>$1,000</td>
</tr>
<tr>
<td>Overheads and management 10%</td>
<td>$2,310</td>
</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td><strong>$25,410</strong></td>
</tr>
</tbody>
</table>

RRV have indicated that should Council wish to take on the roadside maintenance of the arterial network on Phillip Island, the allocated budget can be transferred to Council. This is an annual allocation that would be subject to review and approval by RRV each year.

The following table provides the operational budget required should the service be provided by Council by either council officers or a contractor. It also shows options for a three metre cut, or the higher level of service of fence line to fence line. A quote has been obtained from an existing contractor to assist in estimating potential budget impacts. The table shows options for a single additional cut, the existing level of service and also increasing the level of service to six, nine and twelve cuts per year.

No allocation for the acquisition of a new tractor with slasher or reach cutting attachment has been included in the rates below. The total depreciation costs for this plant is between $15,000 and $20,000 per year regardless of its utilisation. An apportioned depreciation amount has been included in the rates below, only for the days it is utilised for the planned service.
The rates included above are calculated using the latest Institute of Public Works Engineering Australasia (IPWEA) internal charge out rates and include operator expenses (Band 3 including on costs) and plant running, maintenance and depreciation costs. However, no allocations have been made for the acquisition of an additional tractor with slasher or reach cutting attachment, which would require a capital contribution of between $150,000 to $200,000.

There is currently no allocation in the 2018/2019 Operational Budget to perform any maintenance activity on the roadsides on the arterial road network on Phillip Island.

Additional funds to undertake this service, including the capital cost of plant if it were to be taken in-house, would need to be considered in the 2019/2020 budget.

**Stakeholders**

- Regional Roads Victoria
- Existing annual supply contractor
- Phillip Island residents
- Visitors to Phillip Island
- Ratepayers

**Other Options**

Council could advocate to Regional Roads Victoria for higher levels of service to the arterial roads given the importance of Phillip Island as a tourist destination.

Council could also make a contribution to RRV providing them an opportunity to increase the level of service that is currently provided. For example, Council could provide $25,410 annually to RRV to double the existing level of service. RRV have indicated that although this scenario would be unique, they would be willing to have discussions to consider the request.

Another option could be to have a dedicated tractor with slasher or reach cutter attachment on Phillip Island servicing all the roadsides with a permanent FTE associated with it. A capital contribution of $150,000 to $200,000 would be required for the purchase of the plant and a dedicated FTE including all on costs would be approximately $75,000 per annum. This option would allow an increase level of service both on Phillip Island and also across the wider municipality.
Conclusion

The arterial road network across the state is managed by Regional Roads Victoria to their specified standards. By agreement, Council can take on the responsibility for the roadside maintenance of the arterial road network on Phillip Island.

A range of options have been discussed in the report, however any changes to the existing operational responsibilities or levels of service currently provided would need to be considered as part of the 2019/2020 budget process.

Recommendation

That Council receives the report detailing the findings of the investigation into the feasibility of taking over the roadside maintenance of the arterial road network on Phillip Island.

Attachments

<p>| | |</p>
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>AT-1</td>
<td>VicRoads Roads in Bass Coast</td>
</tr>
<tr>
<td>AT-2</td>
<td>Bass Coast Work Zones</td>
</tr>
</tbody>
</table>

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Geoff Ellis

That Council defers consideration of the Investigation into feasibility of taking over roadside maintenance on Phillip Island report to the 20 March 2019 Ordinary Meeting.

CARRIED
H.5  Response to Petition - Road Conditions Tulloch Street, Dalyston

File No: CM19/13
Division: Infrastructure & Environment
Council Plan Strategic Objective: Liveability
Enjoying the place we live

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is to provide a response to a petition received by Council at the 19 December 2018 Ordinary Meeting of Council regarding road conditions in Tulloch Street, Dalyston.

Council resolved at the 19 December 2018 Ordinary Meeting of Council:

1. That the petition be received and lie on the table until the next Ordinary Meeting of Council 20 February 2019.
2. That the head petitioner be advised of Council’s decision.

This report recommends advising the Head Petitioner of:

- Road sealing works that are anticipated to occur in 2019; and
- Council’s policy for further upgrades to road and drainage infrastructure including Community lead options for reprioritisation of these upgrades.

Background

At the 19 December 2018 Ordinary Meeting of Council a petition containing 31 signatures was presented to Council (refer AT-1). The petition read:

We the undersigned, being ratepayer/residents of Tulloch Street, Dalyston, wish to advise that we are all united in requesting the following:

- That Tulloch Street be fully bituminised (not dust suppressant sealed); and
- That with the proposed width of our street and by noting the width of the bitumen that has been done out of Cloverdale Estate means that all the existing guttering will be encroached by the roadworks. Therefore taking these into account we also require that full kerb and channel with adequate drainage be supplied by the developer.

Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018 states that:

“A petition or joint letter presented to Council must lie on the table until a future Ordinary meeting and no motion, other than to receive the petition or joint letter, may be accepted by the Chairperson, unless Council resolves to deal with it earlier.”

Council resolved at the 19 December 2018 Ordinary Meeting of Council:

1. That the petition be received and lie on the table until the next Ordinary meeting of Council 20 February 2019.
2. That the head petitioner be advised of Council’s decision.

This report responds to the first part of that resolution. The head petitioner has also been advised of the Council decision at the 19 December 2018 Ordinary Meeting.

The existing section of Tulloch Street, Dalyston is currently an unsealed road with open drains.

Cloverdale Estate in Dalyston is currently under construction and Tulloch Street is used to access the site. Upon completion of the estate the new residents will continue to use Tulloch Street as a means to access Cloverdale Estate.

Condition 13e in the Planning Permit for Cloverdale Estate (refer AT-2) requires the subdivision to be managed so that amenity of the surrounding area is not detrimentally affected during construction. It also requires that the existing section of Tulloch Street to be constructed to a sealed road standard. This work is anticipated to be undertaken in 2019.

**Strategic Basis**

**Council Plan Objective:**

Our Character – *Celebrating the uniqueness of our townships*

**Strategic Outcome:**

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- **Manage the sensitivities of development and growth pressures**
- Be proud of, and share, our history and cultural life

**Strategic Indicators:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
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<tbody>
<tr>
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<td>Planning Scheme updated by June 2018</td>
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</table>

**Major Initiative / Initiative**

This is not a major initiative or initiative in the budget. This report is being presented in response to a petition in accordance with Section 61.3 of the Bass Coast Shire Council Meeting Procedure Local Law 2018.

**Strategies / Policies**

The Planning Permit for the Cloverdale Estate requires the developer to construct the existing section of Tulloch Street to a sealed road standard. This does not include providing kerb and channel and underground drainage. These are additional upgrade works that the petitioners would like to see occur. The Council policy related to works of this type is the Urban Roads and Drainage Improvement Policy.

**Statutory Requirements/ Codes/ Standards/ Policies**

- Bass Coast Planning Scheme
- Planning and Environment Act 1987
- Local Government Act 1989

**Discussion**

The developer of the Cloverdale Estate is required to construct the existing section of Tulloch Street to a sealed road standard. In summary this will include:

- Strengthening the road pavement; and
- Apply the sealed road treatment
Exact construction requirements are agreed to the satisfaction of Council (being the Responsible Authority) through the detailed design process.

Once completed to a satisfactory standard, Council will then manage the ongoing maintenance and periodic renewal of the road to a sealed road standard.

The petition states:

That with the proposed width of our street and by noting the width of the bitumen that has been done out of Cloverdale Estate means that all the existing guttering will be encroached by the roadworks. Therefore taking these into account we also require that full kerb and channel with adequate drainage be supplied by the developer.

A developer is responsible for the delivery of infrastructure required by the development (for example, roads, drainage, open space etc.) within the actual development. These are usually provided by way of a planning permit condition/s.

However, when planning new developments there are times when the development triggers the need for an upgrade/redevelopment of existing infrastructure or the provision of new infrastructure that will benefit a wider catchment/community. In these instances a nexus must be made between the new development and need for the new/upgraded infrastructure item/s. This means that new development does not have to trigger the need for new infrastructure in its own right. It can only be charged in accordance with its projected share of usage and that is why it is called a ‘Development Contribution’.

These considerations were used when an assessment of the Cloverdale Estate planning application was made. The planning permit was issued with the extent of works to seal Tulloch Street included. Kerb and channel and underground drainage does not form part of this ‘nexus’ as Cloverdale Estate is catering for its own drainage needs. Furthermore, Cloverdale Estate drainage system will accept and reduce some of the surface flows that would otherwise flow down Tulloch Street. Therefore the conditions of permit do not include construction of kerb and channel or constructed drainage in the existing section of Tulloch Street.

Bass Coast Shire Council manages an extensive network of infrastructure including roads, pathways and stormwater drains. Approximately 125 kilometres of this is made up of unmade roads with open drains in urban areas. Tulloch Street is one of these roads.

Urban areas constructed today typically have sealed roads, kerb and channel, underground drainage, footpaths and streetscape plantings.

In order to upgrade these areas to today’s standard, Council adopted the Urban Roads and Drainage Improvement Policy (URDI). This policy includes a full prioritized list of areas to be upgraded. The Dalyston area (including Tulloch Street) is included on this list however not in the top 5 priority areas and is therefore unlikely to be upgraded within the next 10 years.

Included within the Urban Roads and Drainage Improvement Policy is a mechanism for Council to consider reprioritising the area for upgrade. Under the policy this will be considered if 70% of property owners included within that project area actively support the project. This needs to include evidence that relevant property owners will financially support the project through ‘user pays’ principles in accordance with Council’s Special Rates and Charges Policy, and the Local Government Act 1989.
Minutes of Ordinary Meeting - 20 February 2019

Finances

There are no direct financial implications related to this report.

Council has not allocated any funding for the additional road upgrade works such as the construction of kerb and channel, and underground drainage.

Stakeholders

- Residents of Tulloch Street, Dalyston
- The Developer of Cloverdale Estate
- Dalyston residents
- Bass Coast Community

Residents of Tulloch Street Dalyston will continue to be kept informed of works planned for Tulloch Street through the development of the Cloverdale Estate.

Other Options

Council could consider funding the additional upgrade works requested in the petition however this is not recommended as it would be outside of Council’s adopted policy position. This is the Urban Roads and Drainage Improvement Policy which provides for a fair and equitable way to prioritise and fund these upgrades across the municipality.

Reprioritising the Dalyston area for upgrade and funding through ‘user pays’ special charge provisions would also not be recommended as timeframes to do so would be far longer than the estimated 2019 sealing date for Tulloch Street required by the Developer.

Conclusion

The petition requests that Tulloch Street Dalyston be ‘fully bituminised (not dust suppressant sealed)’. It is confirmed that works the developer of the Cloverdale Estate is required to do as part of their planning permit will result in a fully sealed road which Council will then maintain and periodically renew to a sealed road standard.

The petition also requests that the developer be required to provide full kerb and channel with adequate drainage. These works are not included in the associated planning permit and is therefore not a requirement on the developer.

Council’s mechanism to construct works of this type is the Urban Roads and Drainage Improvement Policy. The Dalyston area is identified as an area for upgrade however the works are not currently on the priority program. Under the policy an area can be considered for reprioritisation if there is adequate property owner support including proof that they would be willing to financially contribute to the works.
Recommendation

That Council advise the Head Petitioner of:

1. The works related to the existing section of Tulloch Street Dalyston to be undertaken as a condition of the Cloverdale Estate Planning Permit;

2. Council’s policy for further upgrades to road and drainage infrastructure including Community lead options for reprioritisation of these upgrades; and

3. Council’s decision.

Attachments

AT-1 CONFIDENTIAL - Petition Road Conditions Tulloch Street Dalyston 3 Pages

AT-2 CONFIDENTIAL - Planning Permit Cloverdale Estate Dalyston 16 Pages

Council Decision

Moved: Cr. Julian Brown / Seconded: Cr. Bruce Kent

That the recommendation be adopted.

CARRIED

File No: CM19/2
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

Declaration
The author has no direct or indirect interests in relation to this report.

Summary
Annually Council adopts a Budget that identifies the services to be provided and the Capital Works Program and other major initiatives and initiatives that it will deliver during that year. The purpose of this report is to provide a quarterly update on our progress of these services, initiatives and capital works projects.

Background
The Council Plan articulates Council’s Vision for the future of Bass Coast and outlines strategies to be used by Council in fulfilling the Vision. It is an important tool for measuring the performance of Council and its Officers. The 2018/19 Budget identified 8 Major Initiatives and 16 Initiatives. These Major Initiatives and Initiatives and the Capital Works Program will be reported on quarterly throughout the year.

The Council also adopted the Capital Works Program within the 2018/19 Budget, this program will be reported on quarterly. Council’s financial performance will also be regularly reported.

Strategic Basis
Council Plan Objective:
Advocacy - Representing the community

Strategic Outcome:
- Improve state and federal government investment into roads, facilities and services in Bass Coast
- Increase educational opportunities across the municipality
- Improve health and educational infrastructure and services in Bass Coast
- Articulate the community priorities for improvement to the state road network
- Influence regional strategies on public transport to meet community needs.
- Develop a statement for Bass Coast fairer funding requirement for any future elections resulting in increased funding for Bass Coast Shire Council
Strategic Indicators:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Advocacy</td>
<td>Meet top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Develop and Implement an Advocacy Strategy</td>
<td>Strategy developed with annual actions identified and completed</td>
</tr>
<tr>
<td>State and Federal Government funding for facilities and services</td>
<td>Funding provided from State and Federal Government</td>
</tr>
<tr>
<td></td>
<td>Number of applications submitted for grants</td>
</tr>
<tr>
<td>Submission to Federal and State governments for additional funding support developed</td>
<td>Submission prepared by September 2017</td>
</tr>
</tbody>
</table>

Council Plan Objective:
Economic Development – *Expanding, attracting and retaining business and investment*

Strategic Outcome:

- Improve visitor infrastructure and enhance the lifestyle of the local community
- Foster continued job creation and workforce retention
- Improve the economic value of the region
- Diversify the region’s tourism market mix to promote year-round visitation
- Enhance our visitor economy through preservation of our natural environment
- Advocate for key state and federal infrastructure and telecommunications that enables business development opportunities and improves internet and phone connectivity services for our community*
- Wonthaggi will be seen as the regional centre for Bass Coast
- Focus on jobs of the future for today’s youth
- Foster and encourage agriculture and promote the Shire’s rural sector
- Develop and grow local businesses including agri-tourism and agriculture
- Support rural business through networking and industry development

Strategic Indicators:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support events that boost visitation in off-peak season</td>
<td>Growth in number of events held in off-peak season</td>
</tr>
<tr>
<td>Increase focus on eco-tourism</td>
<td>Implement training and development for local businesses on eco-tourism opportunities</td>
</tr>
<tr>
<td>Action</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Attract events that are eco-tourism and culture based</td>
<td></td>
</tr>
<tr>
<td>Increased investment in infrastructure improvements</td>
<td>Public Sector (Municipal, State and Federal) investment increased Private Sector investment level increased</td>
</tr>
<tr>
<td>Implement the Economic Development Strategy 2016-21</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement the Phillip Island and San Remo Visitor Economy Strategy 2035 - Growing Tourism</td>
<td>Action Plan completed annually Gain international certification as a sustainable tourism destination under Global Sustainable Tourism Council by 2021 Monitor the reporting to Council of the marketing opportunities undertaken through Destination Phillip Island and Destination Gippsland Limited Investment opportunities document developed encouraging commercial interest in new accommodation development by 2021 Locations identified for temporary surfing event infrastructure to support surfing events by 2021 Complete upgrade to Cowes Jetty Triangle Delivery of identified budgeted path projects to improve visitor experience</td>
</tr>
<tr>
<td>Investigate the feasibility of the Car Ferry from Mornington Peninsula to Phillip Island</td>
<td>Undertake project feasibility study by 2018 Achieve business case on time and on budget Achieve a reach of 13,000 people through our community engagement process via all mediums</td>
</tr>
<tr>
<td>Support farm-gate and agri-tourism development</td>
<td>Planning Scheme updated by 2020</td>
</tr>
</tbody>
</table>
Council Plan Objective:
Environment – *Maintain and protect the natural environment*

**Strategic Outcome:**
- Provide efficient and equitable waste management services and infrastructure
- Reduce the carbon footprint of the municipality
- Manage the balance between our natural environment, public access and use of our foreshores and waterways
- Enhance our environment and landscape with vegetation and native wildlife protection initiatives
- Partner with other land managers along coastal areas for consistent management
- Advocate for state and federal government support and assistance on coastal erosion*

**Strategic Indicator**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emission Reduction</td>
<td>By 2025 achieve a 50% reduction in greenhouse gas levels per Bass Coast resident compared to 2009/10</td>
</tr>
<tr>
<td>Restore coastal and inland vegetation corridors in partnership with land owners, land managers and land care groups</td>
<td>Complete Biolinks Plan and commence implementation by June 2018</td>
</tr>
<tr>
<td>Increase coverage of native vegetation in the Shire</td>
<td>Increase native vegetation cover by minimum of 1.5% each year</td>
</tr>
<tr>
<td>Implement the Waste Management Strategy 2015-25</td>
<td>Increase diversion of kerbside waste from landfill to 70% by 2021 to extend the life of our landfill</td>
</tr>
<tr>
<td>Implement the Natural Environment Strategy 2016-26</td>
<td>Action Plan completed annually</td>
</tr>
</tbody>
</table>

Council Plan Objective:
Governance – *We are responsive, open, transparent and financially sustainable*

**Strategic Outcome:**
- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities
## Strategic Indicator:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
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</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</td>
</tr>
<tr>
<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>

## Council Plan Objective:

Health and Wellbeing – *We are a healthy and active community*

## Strategic Outcome:

- Provide opportunities for involvement in healthy active lifestyles
- Improved accessibility for people with a disability
- Engage in health promotion activities that support the health and wellbeing of our community
• Advocate for health services in our community*
• Deliver and advocate for appropriate services for older people, families and children
• Plan and prepare for emergency responses in the region
• Support our communities to be connected and empowered
• Work with other agencies to implement Family Violence Prevention Plans and Strategies

Strategic Indicator:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation in health promotion activities</td>
<td>Health promotion activities from Health and Wellbeing Plan Actions undertaken annually</td>
</tr>
<tr>
<td>Compliance with Municipal Emergency Management Plan 2014</td>
<td>100% compliance</td>
</tr>
<tr>
<td>Implement the Youth Action Plan 2016-20</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement annual Municipal Public Health and Wellbeing Action Plan</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement the Disability Action Plan 2016-20</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement Municipal Early Years Plan 2016-20</td>
<td>Action Plan completed annually</td>
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</table>

Council Plan Objective:
Liveability – *Enjoying the place we live*

Strategic Outcome:
• Promote Bass Coast as an all year events destination whilst supporting the continuation and development of new events
• Facilitate opportunities for multi-purpose facilities to improve access to recreation and sporting activities
• Plan for and support a healthy, connected and active community
• Support youth recreation and learning activities in our community
• Support dynamic and diverse arts and cultural activities
• Protect our natural environment balanced with access for all to enjoy
• Ensure any road or drainage infrastructure projects consider safe and accessible crossings for pedestrians
• Plan and provide well maintained public amenities and facilities
### Strategic Indicators:

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
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<tbody>
<tr>
<td>Community grants program supporting events</td>
<td>Funding contributed to community events as identified in annual budget</td>
</tr>
<tr>
<td>Develop Municipal Recreation Plan</td>
<td>Developed by June 2018</td>
</tr>
<tr>
<td>Implement annual Health and Wellbeing Action Plan</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Build community infrastructure that improves quality of life</td>
<td>90% of the projects included in the Capital Works Program to be completed</td>
</tr>
<tr>
<td>Implement Asset Management Policy and Strategy Improvements</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implementation of annual maintenance programs</td>
<td>Annual program implemented</td>
</tr>
<tr>
<td>Implement priorities identified in the Pathways Network Plan 2016</td>
<td>Delivery of identified budgeted path projects</td>
</tr>
<tr>
<td></td>
<td>Grant opportunities identified and applied for</td>
</tr>
<tr>
<td>Develop and Implement Domestic Animal Management Plan 2017-20</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td>Implement Arts and Culture Plan 2015-19</td>
<td>Action Plan completed annually</td>
</tr>
<tr>
<td></td>
<td>New plan revised and adopted by 2019</td>
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<td>Implement Youth Action Plan 2016-20</td>
<td>Action Plan completed annually</td>
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<td></td>
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<tr>
<td>Bass Valley Children’s Centre construction</td>
<td>Construction completed and facility opened by February 2018</td>
</tr>
</tbody>
</table>

### Council Plan Objective:

**Our Character – Celebrating the uniqueness of our townships**

### Strategic Outcome:

- Partnering with our community to protect and enhance the unique character of our townships, open spaces and rural landscape
- Ensure the review of the Municipal Strategic Statement improves the controls within our townships to ensure that the character is protected
- Strengthen the role of Wonthaggi as our regional centre
- Manage the sensitivities of development and growth pressures
- Be proud of, and share, our history and cultural life

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**Finances**

Detailed information on Council’s financial performance for the quarter ending 30 December 2018 has been provided in the attached Financial Report.

Council’s year to date Surplus of $27.92 million is in line with the YTD Surplus budget of $27.69 million. The YTD results have been impacted by some large offsetting variances namely:

- A reduction of $3.7 million in Operating Grants which is attributable to the early receipt of the first quarter VGC grant and the Wonthaggi Highball Facility grant in June 2018 and the change in the delivery model for Cape Paterson Surf Lifesaving Club
- A $1.7 million favourable variance for the materials and services due to a reduction in contractor expenses that relates to the changed delivery model for the Cape Paterson Surf Lifesaving Club upgrade
- A $1.5 million favourable variance for other expenses due to delays in making contributions towards the Wonthaggi Highball Facility. These contributions are now expected to be made in the second half of the financial year
Council’s full year forecast financial results for the year ending 30 June 2019 have been impacted by the deferral of the Pioneer Bay Urban Roads and Drainage Upgrade Project, the receipt of a $0.9 million grant for Wonthaggi Highball in the preceding financial year and a higher than budgeted full year depreciation forecast of $14.1 million which has resulted in the following changes to the adopted full year budget:

- Reductions in monetary contributions - $2 million
- Reductions in operating grants - $0.9 million
- Increase in depreciation charge of $0.8 million

These changes have resulted in the projected operating budget surplus of $2.08 million being revised to a forecast operating deficit of $1.57 million.

Council uses a funding statement to inform its forward financial planning and annual budget. From a forward financial planning perspective, including the identification of financing movements (borrowings and debt reduction), capital expenditure and income related to capital works, asset sales and movements in Council reserves that can be used as an internal funding source for major capital projects and Council initiatives, the funding statement provides a snapshot that better informs the long term financial plan than a conventional income statement. Keeping the funding statement in balance or with a small surplus helps ensure the affordability of Council’s long term capital projects and other major initiatives.

The key differences between the funding statement and the income statement are:

- Recognition of capital expenditure – The funding statement recognises the reduction of $4 million in capital expenditure arising from the deferral of the Pioneer Bay Urban Roads and Drainage Upgrade Project while the income statement is only concerned with operating revenue and operating expenditure items and does not recognise this
- Depreciation – The funding statement accounts for capital expenditure rather than depreciation which is a non cash allocation of asset consumption and is accounted for in the income statement
- Proceeds from asset sales – The funding statement recognises the expected proceeds from asset sales in full while the income statement only recognises the expected profit or loss on an asset sale (the difference between the carrying value of the asset and selling value or proceeds)

Council’s funding statement is currently projecting a forecast deficit of $1.2 million in 2018/19 compared to the balanced budget estimate. This unfavourable forecast position is primarily due to:

- A reduction of $0.8 million in asset sales which is linked to the acquisition of recreational land which is now expected to take place in 2019/20. This will be carried over and included in the 2019/20 budget
- Additional net expenditure of $0.8 million on waste due to lower gate fees income and unbudgeted legal fees

This has been partly offset by additional interest revenue of $0.47 million due to higher than projected funds being available for investment.
Stakeholders

Council, ratepayers, external funding bodies, residents and visitors are all affected by the delivery of the services, key initiatives and the capital program.

Statutory Requirements/Codes/Standards/Policies

Section 138 of the Local Government Act 1989 (Act) requires that each quarter Council (and the community) is provided with a statement comparing the adopted budget with the actual results for the year to date.

The Major Initiatives and Capital Works are allocated for in the 2018/19 Budget. All of Council’s expenditure are approved and spent in accordance with the Act and the Procurement Policy.

The Act states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Officer’s Comments/Conclusion

Major Initiatives and Initiatives

Attached to this report is a progress summary of the Major Initiatives and Initiatives identified in the 2018/19 Budget. Council identified 24 of these initiatives, their progress status includes:

- Two initiatives have been completed
- 19 initiatives are underway and on track
- One initiative is at Risk
- Two initiatives will be deferred

Advocacy

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement the Advocacy Strategy</td>
<td>On Track</td>
</tr>
</tbody>
</table>

Economic Development

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement relevant Year 2 - 5 actions in the Phillip Island and San Remo Visitor Economy Strategy 2035 (Major)</td>
<td>On Track</td>
</tr>
<tr>
<td>Implement Year 3 actions of the Economic Development Strategy</td>
<td>On Track</td>
</tr>
</tbody>
</table>

Environment

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete Council's Biolinks Plan (Major)</td>
<td>On Track</td>
</tr>
<tr>
<td>Develop Council’s ‘Bass Coast Plastic Bag Free’ policy for Council consideration</td>
<td>Completed</td>
</tr>
</tbody>
</table>
### Governance

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review the Communications and Engagement Strategy 2015 - 18 <em>(Major)</em></td>
<td>Defer</td>
</tr>
<tr>
<td>Implement the changes from the <em>Local Government Act</em> Review <em>(Major)</em></td>
<td>Defer</td>
</tr>
<tr>
<td>Investigate shared services initiatives</td>
<td>On Track</td>
</tr>
<tr>
<td>Implementation of the One Council solution</td>
<td>On Track</td>
</tr>
<tr>
<td>Implementation of Work Care changes as part of the new workers’ compensation scheme</td>
<td>On Track</td>
</tr>
<tr>
<td>Develop a Leasing and Licencing Policy</td>
<td>On Track</td>
</tr>
</tbody>
</table>

### Health and Wellbeing

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update and implement an Action Plan to respond to the implementation of the NDIS and the National Health Reform</td>
<td>On Track</td>
</tr>
<tr>
<td>Commence implementation of Active Bass Coast</td>
<td>On Track</td>
</tr>
<tr>
<td>Implement Year 2 of the Municipal Public Health and Wellbeing Plan 2017-2021</td>
<td>On Track</td>
</tr>
<tr>
<td>Implement Year 3 of the Disability Action Plan</td>
<td>On Track</td>
</tr>
<tr>
<td>Develop a Reconciliation Action Plan <em>(Major)</em></td>
<td>On Track</td>
</tr>
</tbody>
</table>

### Liveability

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement the Domestic Animal Management Plan year 3 and 3 relevant actions</td>
<td>On Track</td>
</tr>
<tr>
<td>New Arts and Culture Plan, revised and adopted by 2019</td>
<td>On Track</td>
</tr>
<tr>
<td>Complete the review of the Road Asset Management Plan including the Urban Roads and Drainage Improvement Policy <em>(Major)</em></td>
<td>On Track</td>
</tr>
<tr>
<td>Develop a Masterplan for the San Remo Cemetery</td>
<td>On Track</td>
</tr>
<tr>
<td>Implement priority actions for the Waste Infrastructure Review</td>
<td>Completed</td>
</tr>
<tr>
<td>Commence construction of the Pioneer Bay Roads and Drainage upgrade project</td>
<td>At Risk</td>
</tr>
</tbody>
</table>
Our Character

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implement the Bass Coast Planning Scheme Review recommendation via a Planning Scheme Amendment (Major)</td>
<td>On Track</td>
</tr>
<tr>
<td>Continue implementation of the Wonthaggi North East Precinct Structure Plan into the Bass Coast Planning Scheme (Major)</td>
<td>On Track</td>
</tr>
</tbody>
</table>

Two initiatives within the objective Governance need to be deferred as both projects are reliant on Parliament considering and approving the Local Government Act (Bill 2018), this was not done prior to the State Government election in November 2018.

Under the objective, Liveability, the initiative ‘Commence construction of the Pioneer Bay Roads and Drainage upgrade project’ is at risk because the commencement of the project is subject to the outcome of a VCAT hearing.

The attached report outlines the progress of each project. Summaries and highlights of some of these projects are also available in the CEO’s Report and on Council’s website.

2018/2019 Capital Works Program – Quarter 2 Review (1 Oct to 31 Dec)

In June 2018 Council approved its 2018/19 budget, inclusive of the Capital Works Program (the CWP). At this time the CWP comprised 75 projects with a total value of $19.63 million.

In addition to projects identified within the 2018/19 CWP, 36 projects from the 2017/18 financial year required budget carryover. These carryovers resulted in the net addition of $9.48 million and 27 projects to the CWP.

Forecasting of the CWP as at 31 December 2018 (Quarter 2) has now been completed. Forecasting has identified a number of proposed adjustments to the CWP to include new projects, redistribute program budgets, recognise additional grant income and reflect anticipated final project expenditure.

Details regarding specific adjustments and associated explanatory comments may be seen within the attached Capital Works Program Report (AT-2). A summary of proposed Quarter 2 adjustments to the CWP is provided within Table 1.

<table>
<thead>
<tr>
<th>Table 1: Quarter 2 proposed CWP adjustments</th>
<th>Net Impact on No. of Projects</th>
<th>Net impact on CWP Value ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjustments to existing projects</td>
<td>1</td>
<td>0.02</td>
</tr>
<tr>
<td>New projects</td>
<td>2</td>
<td>0.44</td>
</tr>
<tr>
<td>Additional Council budget allocations</td>
<td>0</td>
<td>0.25</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>3</strong></td>
<td><strong>0.71</strong></td>
</tr>
</tbody>
</table>
Adjustment to existing projects

Proposed adjustments to individual project budgets have been identified through the Quarter 2 forecast. These adjustments relate to existing projects listed within the CWP and recognise additional grant income, required additional expenditure or identified project savings. The net impact of these adjustments on the CWP is a cost of approximately $20,000.

The majority of this observed variances relate to costs incurred with finalisation of the Scenic Estate land acquisition. This project was completed during 2017/18 however residual costs have been incurred in 2018/19 with no carryover budget.

New projects

Two new projects have been included within the CWP during Quarter 2. Funding for these projects is comprised of a mixture of external grants and redistribution of program level budgets. These projects are:

- Bayview Avenue pathway and bus shelter: Scope of works involves construction of a 2.0m wide footpath between Reilly Street and Sandymount Avenue in Inverloch. In conjunction with the pathway construction a new bus shelter is also being installed. This project is fully funded via a contribution from Regional Roads Victoria

- St Joseph’s school bus loop: The pavement of the bus loop at St Joseph’s school has reached intervention and requires replacement. Council is responsible for this asset and it is proposed that renewal of the pavement be funded using savings identified in the Phillip Island Football Netball change room project

A further three projects have been identified for inclusion within the CWP during Quarter 3. These projects are:

- Wonthaggi transfer station shed replacement: Inspection of the shed at the Wonthaggi Transfer Station has identified that it requires immediate replacement due to safety concerns. It is proposed that $70,000 be allocated to this project, funded from savings identified within the Open Space Renewal Design program

- Inverloch erosion control: This is a new project, fully funded via a grant from Department Environment, Land Water and Planning (DELWP). Scope of proposed works involves installation of a subsurface wet sand fence and subsequent sand renourishment at Inverloch Surf Beach

- E-waste storage facilities: Sustainability Victoria has provided a $300,000 grant to facilitate construction of three e-waste storage enclosures at Councils Wonthaggi, Cowes and Grantville waste management facilities. Construction of the storage facilities is required to comply with new state regulations

Additional Council budget allocation

At its ordinary meeting in November 2018 Council resolved to allocate funds from the Resort and Recreation reserve to facilitate delivery of the following capital works projects:

- Inverloch Sound Shell - $150,000
- Harold Hughes Playground - $100,000
Increase in grants
During Quarter 2 Council was successful in securing approximately $1.19 million in additional grants. This additional income will offset the cost of delivering both new and existing projects listed within the 2018/19 CWP. Projects for which grants have been received in Quarter 2 include:

- Cowes netball court renewal
- Inverloch erosion control – wet sand fence
- Loch Wonthaggi Road pavement renewal
- Bayview Avenue pathway and bus shelter
- E-waste storage facilities at Transfer Stations

Carryover to 2019/20
Within the CWP 12 projects have been identified as being multi-year (i.e. delivery spanning across the 2018/19 and 2019/20 financial years). Other than the Pioneer Bay Urban Roads and Drainage Upgrade Project, full budget allocation for these projects has been maintained within the Quarter 2 forecast. Identification of required carryover sums is subject to the extent of works completed during 2018/19 and will be determined either in the Quarter 3 forecast or at the end of the financial year.

Works on the Pioneer Bay Urban Roads and Drainage Upgrade Project has been suspended pending the outcome of a VCAT hearing, scheduled for March 2019. It is unlikely that any significant expenditure on this project will be incurred this financial year. The majority of the budget for this project was carried over into next financial year in Quarter 1, with a small amount of funding retained within the 18/19 CWP to facilitate limited preliminary works in the event of a favourable VCAT outcome.

Identified multiyear projects listed within the CWP are:

- Blackspot Program – Cowes Rhyll Road
- Pioneer Bay outfall works
- Loch Wonthaggi Road pavement reconstruction, West Creek
- Street decoration banner pole replacement
- Cowes Cultural and Community Centre design
- Strategic land acquisition, Phillip Island
- Inverloch sound shell
- Harold Hughes Reserve playground renewal
- Cowes transit centre and all day car park
- Pioneer Bay Urban Roads and Drainage Upgrade Project
- Surf Parade shared path
- Cape Paterson Surf Life Saving Club pavilion
Other adjustments

The Cape Paterson, Bay Beach development design is an operational carryover project from 2017/18, however was previously missed during preparation of the Quarter 1 report. The project will see finalisation of a detailed design for the future sealing of the existing gravel car park at the Wonthaggi Life Saving Club. This project has now been recognised within the list of capital projects resulting in a non-Council asset.

A summary of the revised number and associated value of projects identified within the CWP is provided below.

Table 2: Quarter 2 adjusted CWP

<table>
<thead>
<tr>
<th>Element</th>
<th>No. of Projects</th>
<th>Value ($ Million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved within 2018/19 budget</td>
<td>75</td>
<td>19.63</td>
</tr>
<tr>
<td>Carryover from 2017/18</td>
<td>27</td>
<td>9.48</td>
</tr>
<tr>
<td>Quarter 1 adjustments</td>
<td>9</td>
<td>-3.91</td>
</tr>
<tr>
<td>Quarter 2 adjustments</td>
<td>3</td>
<td>.71</td>
</tr>
<tr>
<td>TOTAL</td>
<td>114</td>
<td>25.91</td>
</tr>
</tbody>
</table>

A breakdown of the adjusted CWP by asset class (based upon total value of projects) is provided below:

Figure 1: Composition of CWP by asset class ($ value of Projects)

Progress of the Capital Program

Delivery of the CWP is generally tracking in accordance with the adopted schedule. Overall program completion currently sits at 59% of total projects. Details regarding the delivery status of each project contained within the CWP are provided within AT-2. Of the 114 active projects currently listed within the CWP:

- 6 are yet to commence (5%)
- 35 have been completed (31%)
- 73 are currently in progress (64%)

Projects which are yet to commence are:
- Olive Justice Park – Design
- Bridge and culvert renewal program (scheduled for Quarter 3)
- Information technology equipment replacement x 4 No. (scheduled for Quarter 3)

Figure 2: Summary of 2018/19 Capital Works Program by project status

As of 31 December 2018, actual expenditure against projects identified within the CWP was $5.86 million. This represents 23% financial completion of the CWP against the proposed forecast budget. In addition to the observed expenditure to date, numerous financial commitments have been made with respect to projects underway.

A further $100,000 actual expenditure has also been incurred on capital projects identified in the 2017/18 CWP, with no carryover budget this financial year. A review of this expenditure will be undertaken to ascertain if it has been incorrectly costed and requires allocation to active projects.

Capital Works Program projects which have been completed during the Quarter 2 period include:

**Buildings and Property:**
- Pioneer Bay Drainage Strategy – land acquisition

**Open Space:**
- Oval flood lighting design program

**Roads Drainage and Bridges:**
- Rural spray seal program
- Miners Drive, Wonthaggi footpath
- Ventnor Beach Road pavement renewal
Urban Asphalt renewal program
Kerb and Channel renewal program

Recommendation

That Council:

2. Defers the two initiatives under the objective – Governance
   a. Commence development of a Communications and Engagement Strategy
   b. Implement the changes from the Local Government Act Review
3. Authorise adjustment of Capital Works Program project budgets in accordance with the figures listed within attachment AT-2.

Attachments

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>AT-1</td>
<td>Council Plan Progress Report Q2 2018-19</td>
<td>13 Pages</td>
</tr>
<tr>
<td>AT-2</td>
<td>Capital Works Program Report Q2 2018-19</td>
<td>5 Pages</td>
</tr>
<tr>
<td>AT-3</td>
<td>Quarterly Financial Report</td>
<td>19 Pages</td>
</tr>
</tbody>
</table>

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Clare Le Serve
That the recommendation be adopted.

CARRIED

Cr Les Larke called for a division

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Le Serve</td>
<td>Cr Brown</td>
</tr>
<tr>
<td>Cr Rothfield</td>
<td>Cr Larke</td>
</tr>
<tr>
<td>Cr Tessari</td>
<td></td>
</tr>
<tr>
<td>Cr Whelan</td>
<td></td>
</tr>
<tr>
<td>Cr Ellis</td>
<td></td>
</tr>
<tr>
<td>Cr Kent</td>
<td></td>
</tr>
</tbody>
</table>
H.7 Review of appointments to Council Committees and Delegated Committees

File No: CM19/17
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

Declaration
The author has no direct or indirect interests in relation to this report.

Summary
Council appoints delegates to a number of Council committees and external committees in order to meet its legislative obligations and to enhance its involvement in community activities and to advocate on behalf of the community.

At its Ordinary Meeting in February 2018, Council resolved to appoint Councillor representatives to these committees and has made some revisions during 2018. The purpose of this report is to review the appointments made and to make any changes to Council’s representation.

This report recommends that Council appoint representatives to both the Council Committees and delegates to the External Committees.

Background
A number of Council committees and external committees exist where Councillors are invited to participate across a broad interest area. Some of these committees have legislative requirements, but most committees operate in an advisory capacity.

It is important for Councillors to be represented on committees and networks for a number of reasons including:

- Some committees are legislated to provide input into strategic plans
- Committees provide opportunities for Councillors and the organisation to stay connected to advocacy groups and understand emerging issues
- Provide advice to Council on a variety of issues
- Help Council achieve its Council Plan objectives.

Strategic Basis
Council Plan Objective:
Advocacy - Representing the community

Strategic Outcome:
- Improve state and federal government investment into roads, facilities and services in Bass Coast
- Increase educational opportunities across the municipality
• Improve health and educational infrastructure and services in Bass Coast
• Articulate the community priorities for improvement to the state road network
• Influence regional strategies on public transport to meet community needs.
• Develop a statement for Bass Coast fairer funding requirement for any future elections resulting in increased funding for Bass Coast Shire Council

**Strategic Indicators:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Advocacy</td>
<td>Meet top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Develop and Implement an Advocacy Strategy</td>
<td>Strategy developed with annual actions identified and completed</td>
</tr>
<tr>
<td>State and Federal Government funding for facilities and services</td>
<td>Funding provided from State and Federal Government</td>
</tr>
<tr>
<td></td>
<td>Number of applications submitted for grants</td>
</tr>
<tr>
<td>Submission to Federal and State governments for additional funding support developed</td>
<td>Submission prepared by September 2017</td>
</tr>
</tbody>
</table>

**Council Plan Objective:**

Governance – We are responsive, open, transparent and financially sustainable

**Strategic Outcome:**

• Provide equitable distribution of resources across the Shire
• Be diligent in ensuring services meet community need and are cost effective
• Manage our financial resources and report on our performance
• Engage with the community on decisions that impact them
• Explore other alternatives for revenue opportunities

**Strategic Indicator:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
</tbody>
</table>
### Strategic Indicators

<table>
<thead>
<tr>
<th>Measures</th>
<th>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Implementation of monthly and year to date financial reporting, with plain English version for our Community</td>
</tr>
<tr>
<td></td>
<td>Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community</td>
</tr>
<tr>
<td></td>
<td>Increased efficiencies as a result of information technology improvements</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>

### Discussion

**The Internal Council Committees include:**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access &amp; Inclusion Advisory Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Arts and Culture Advisory Committee</td>
<td>Three Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>Mayor &amp; Two Councillors</td>
</tr>
<tr>
<td>Bass Coast Community Road Safety Committee</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Bass Coast Events Advisory Committee</td>
<td>Three Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Bass Coast Municipal Emergency Management Planning Committee</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Bass Coast Municipal Fire Management Committee</td>
<td>One Councillor (Chair) and Councillor substitute</td>
</tr>
<tr>
<td>Bass Coast Place Names Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Bass Coast Natural Environment Advisory Working Group</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Community Tourism Reference Group</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>The Chief Executive Officer Employment Matters Committee</td>
<td>Mayor and Three Councillors</td>
</tr>
<tr>
<td>Phillip Island Aquatics Working Group</td>
<td>Two Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Phillip Island Integrated Transport Study Reference Group</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Rural Engagement Group</td>
<td>Mayor &amp; One Councillor</td>
</tr>
</tbody>
</table>

**The External Committees where Council provides a delegate include:**

<table>
<thead>
<tr>
<th>Australian Coastal Councils Association Inc.</th>
<th>Mayor &amp; Councillor substitute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bass Coast Environmental Review Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Bass Coast South Gippsland Reconciliation Committee</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Destination Phillip Island – Regional Tourism Board</td>
<td>One Councillor or Chief Executive Officer</td>
</tr>
<tr>
<td>Gippsland Local Government Network</td>
<td>Mayor</td>
</tr>
<tr>
<td>Gippsland Local Government Waste Forum</td>
<td>Cr Pamela Rothfield and Councillor substitute</td>
</tr>
<tr>
<td>Gippsland Waste and Resource Recovery Group Board</td>
<td>Cr Pamela Rothfield (appointed by the Minister)</td>
</tr>
<tr>
<td>Municipal Association of Victoria (MAV)</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Peri Urban Group of Councils</td>
<td>Mayor and Councillor substitute</td>
</tr>
<tr>
<td>Phillip Island Nature Park Community Advisory Committee</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Rural Councils Victoria</td>
<td>One Councillor</td>
</tr>
<tr>
<td>South East Australian Transport Study</td>
<td>One Councillor</td>
</tr>
<tr>
<td>South East Council’s Climate Change Alliance</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Victorian Local Governance Association</td>
<td>One Councillor</td>
</tr>
<tr>
<td>West Gippsland Regional Library Corporation Board</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Westernport Biosphere Reserve</td>
<td>One Councillor</td>
</tr>
</tbody>
</table>
Regional Renewable Energy Roadmap

The Gippsland Climate Change Network have been contracted by DELWP to deliver a regional renewable energy roadmap for Bass Coast and South Gippsland regions. Each region across the state is currently developing a regional renewable energy roadmap.

The Regional Renewable Energy Roadmap Project aims to facilitate the uptake of renewable energy in the region and maximise the benefits of the transforming energy system by growing local business and industry; developing local job opportunities; and increasing the resilience of our energy system and communities.

Council received a request to provide representation on the Project Control Group (PCG). Council’s Sustainability and Climate Change Officer is part of the PCG. The project will be completed in December 2019 as per the funding agreement, and the PCG will cease.

South Coast Inclusion Network (SCIN)

On 30 November 2018, Council received a request from the South Coast Inclusion Network (SCIN) to request that Council delegate a Councillor representative to their Committee. The SCIN aims to improve the health and wellbeing of LGBTI people of all ages living in Bass Coast, South Gippsland and Baw Baw Shires. SCIN is committed to:

- Increasing the visibility of the local LGBTI community
- Challenging homophobia, biphobia, transphobia and intersex phobia
- Supporting local government and health services to be LGBTI inclusive
- Partnering with LGBTI allies who hold key positions in the local community
- Networking with the local, regional and State-wide LGBTI advocates, community groups and services.

The role of the SCIN is considered to be consistent with the Council Plan 2017-2021 where a Strategic Outcome for the Health and Wellbeing of our community is to “Support our communities to be connected and empowered”. Identifying the SCIN as a delegated Committee of Council is also consistent with the actions of the Municipal Public Health and Wellbeing Plan to “Continue to support and engage the LGBTI community through participation in the South Coast Inclusion Network (SCIN).”

Finances

Councillor participation in these committees is covered by their general reimbursement as Councillors. Any associated expenses, such as travel, is claimable by each individual Councillor. These expenses are allowed for within Council’s operating budget.

Council is a member of many of the external committees and either pays a membership or makes a contribution to the group. These membership fees or contributions are allowed for within Council’s operating budget.
Stakeholders

The community of Bass Coast is a stakeholder. Participating in Committees helps to keep Councillors informed of key issues within the community they represent and retain the connection with their community.

Other Options

Council could choose not to appoint representation to these committees and networks. This could limit the level of interaction and ability to influence key outcomes for the community. It could also contribute to difficulty for Council to achieve its strategic direction articulated in the Council Plan.

Conclusion

A list of Council Committees and External Committees is presented for Councillors to participate. If a Councillor is not nominated to any of these committees a Council Officer may be appointed in their place by agreement.

Recommendation

That Council:

1. Appoints Councillor representatives to the following Council Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Representation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access &amp; Inclusion Advisory Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Arts and Culture Advisory Committee</td>
<td>Three Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>Mayor &amp; Two Councillors</td>
</tr>
<tr>
<td>Bass Coast Community Road Safety Committee</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Bass Coast Events Advisory Committee</td>
<td>Three Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Bass Coast Municipal Emergency Management Planning Committee</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Bass Coast Municipal Fire Management Committee</td>
<td>One Councillor (Chair) and Councillor substitute</td>
</tr>
<tr>
<td>Bass Coast Place Names Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Bass Coast Natural Environment Advisory Working Group</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>Community Tourism Reference Group</td>
<td>One Councillor (Chair)</td>
</tr>
<tr>
<td>The Chief Executive Officer Employment Matters Committee</td>
<td>Mayor and Three Councillors</td>
</tr>
<tr>
<td>Phillip Island Aquatics Working Group</td>
<td>Two Councillors (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Phillip Island Integrated Transport Study Reference Group</td>
<td>One Councillor (Chair)</td>
</tr>
</tbody>
</table>
2. Appoints Councillor representatives to the following delegated Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Representative(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Coastal Councils Association Inc.</td>
<td>Mayor &amp; Councillor substitute</td>
</tr>
<tr>
<td>Bass Coast Environmental Review Committee</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Bass Coast South Gippsland Reconciliation Committee</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Destination Phillip Island – Regional Tourism Board</td>
<td>One Councillor or Chief Executive Officer</td>
</tr>
<tr>
<td>Gippsland Local Government Network</td>
<td>Mayor</td>
</tr>
<tr>
<td>Gippsland Local Government Waste Forum</td>
<td>Cr Pamela Rothfield and Councillor substitute</td>
</tr>
<tr>
<td>Gippsland Waste and Resource Recovery Group Board</td>
<td>Cr Pamela Rothfield (appointed by the Minister)</td>
</tr>
<tr>
<td>Municipal Association of Victoria (MAV)</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Peri Urban Group of Councils</td>
<td>Mayor and Councillor substitute</td>
</tr>
<tr>
<td>Phillip Island Nature Park Community Advisory Committee</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Regional Renewable Energy Roadmap</td>
<td>One Councillor</td>
</tr>
<tr>
<td>Rural Councils Victoria</td>
<td>One Councillor</td>
</tr>
<tr>
<td>South Coast Inclusion Network (SCIN)</td>
<td>One Councillor</td>
</tr>
<tr>
<td>South East Australian Transport Study</td>
<td>One Councillor</td>
</tr>
<tr>
<td>South East Council’s Climate Change Alliance</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Victorian Local Governance Association</td>
<td>One Councillor</td>
</tr>
<tr>
<td>West Gippsland Regional Library Corporation Board</td>
<td>One Councillor and Councillor substitute</td>
</tr>
<tr>
<td>Westernport Biosphere Reserve</td>
<td>One Councillor</td>
</tr>
</tbody>
</table>

Attachments

**AT-1** Council Committees List  8 Pages
**AT-2** External Committees List  9 Pages
Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan

That Council:

1. Appoints Councillor representatives to the following Council Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access &amp; Inclusion Advisory Committee</td>
<td>Cr Ellis</td>
</tr>
<tr>
<td>Arts and Culture Advisory Committee</td>
<td>Cr Le Serve, Cr Larke, Cr Rothfield (one Councillor is the Chair)</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>Mayor, Cr Whelan, Cr Rothfield</td>
</tr>
<tr>
<td>Bass Coast Community Road Safety Committee</td>
<td>Cr Kent (Chair)</td>
</tr>
<tr>
<td>Bass Coast Events Advisory Committee</td>
<td>Cr Fullarton (Chair), Cr Le Serve, Cr Rothfield</td>
</tr>
<tr>
<td>Bass Coast Municipal Emergency Management Planning Committee</td>
<td>Cr Kent (Chair)</td>
</tr>
<tr>
<td>Bass Coast Municipal Fire Management Committee</td>
<td>Cr Kent (Chair) and Cr Brown substitute</td>
</tr>
<tr>
<td>Bass Coast Place Names Committee</td>
<td>Cr Brown</td>
</tr>
<tr>
<td>Bass Coast Natural Environment Advisory Working Group</td>
<td>Cr Whelan (Chair)</td>
</tr>
<tr>
<td>Community Tourism Reference Group</td>
<td>Cr Rothfield (Chair)</td>
</tr>
<tr>
<td>The Chief Executive Officer Employment Matters Committee</td>
<td>Mayor, Cr Le Serve, Cr Brown, Cr Rothfield</td>
</tr>
<tr>
<td>Phillip Island Aquatics Working Group</td>
<td>Cr Fullarton (Chair), Cr Kent</td>
</tr>
<tr>
<td>Phillip Island Integrated Transport Study Reference Group</td>
<td>Cr Kent (Chair)</td>
</tr>
<tr>
<td>Rural Engagement Group</td>
<td>Cr Rothfield, Cr Le Serve</td>
</tr>
</tbody>
</table>

2. Appoints Councillor representatives to the following delegated Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Coastal Councils Association Inc.</td>
<td>Mayor, Cr Whelan substitute</td>
</tr>
<tr>
<td>Bass Coast Environmental Review Committee</td>
<td>Cr Le Serve</td>
</tr>
<tr>
<td>Bass Coast South Gippsland Reconciliation Committee</td>
<td>Cr Ellis, Cr Brown substitute</td>
</tr>
<tr>
<td>Group/Membership</td>
<td>Representative(s)</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------</td>
</tr>
<tr>
<td>Destination Phillip Island – Regional Tourism Board</td>
<td>Cr Rothfield</td>
</tr>
<tr>
<td>Gippsland Local Government Network</td>
<td>Mayor</td>
</tr>
<tr>
<td>Gippsland Local Government Waste Forum</td>
<td>Cr Pamela Rothfield, Cr Kent substitute</td>
</tr>
<tr>
<td>Gippsland Waste and Resource Recovery Group Board</td>
<td>Cr Pamela Rothfield (appointed by the Minister)</td>
</tr>
<tr>
<td>Municipal Association of Victoria (MAV)</td>
<td>Cr Tessari, Cr Ellis substitute</td>
</tr>
<tr>
<td>Peri Urban Group of Councils</td>
<td>Mayor, Cr Kent substitute</td>
</tr>
<tr>
<td>Phillip Island Nature Parks Community and Environment Advisory Committee</td>
<td>Cr Fullarton, Cr Rothfield substitute – reversed positions</td>
</tr>
<tr>
<td>Regional Renewable Energy Roadmap</td>
<td>Cr Whelan – new committee</td>
</tr>
<tr>
<td>Rural Councils Victoria</td>
<td>Cr Le Serve</td>
</tr>
<tr>
<td>South Coast Inclusion Network (SCIN)</td>
<td>Cr Ellis – new committee</td>
</tr>
<tr>
<td>South East Australian Transport Study</td>
<td>Cr Le Serve</td>
</tr>
<tr>
<td>South East Council's Climate Change Alliance</td>
<td>Cr Whelan, Cr Ellis substitute</td>
</tr>
<tr>
<td>Victorian Local Governance Association</td>
<td>Cr Whelan</td>
</tr>
<tr>
<td>West Gippsland Regional Library Corporation Board</td>
<td>Cr Ellis, Cr Fullarton substitute</td>
</tr>
<tr>
<td>Western Port Biosphere Reserve</td>
<td>Cr Whelan</td>
</tr>
</tbody>
</table>

3. Amend the Rural Engagement Group Terms of Reference membership:

- **From:** Mayor – Chair
  Councilor - alternative chair
- **To:** Two Councillors (one Councillor is the Chair)

  **CARRIED**
H.8 Loan Guarantee to Bass Coast Adult Learning Inc.

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

Council have been approached by Bass Coast Adult Learning Inc. to act as a guarantor for a loan of $10,000, the proceeds of which will be used to fund the acquisition and installation of solar panels on the property that they lease from Council which is situated at 239 White Road, Wonthaggi.

There is no current Council policy position on the provision of guarantees to community based organisations and Council endorsement of this guarantee is being sought. The financial risks associated with this guarantee are minimal as the proceeds of the loan will be used for the acquisition and installation of solar panels on a Council owned property.

Background

Council's Chief Executive Officer received an email request from the Chair of Bass Coast Adult Learning for Council to act as guarantor for a loan of $10,000 that they had secured from The Southern Core Fund towards the supply and installation of solar panels costing a total of $16,500 on buildings that they occupy on the site at 239 White Road, Wonthaggi. Approval of this loan is subject to a loan guarantee by Council.

Council owns the land at 239 White Road and leases the property to Bass Coast Adult Learning. This significantly reduces the risks to Council in the unlikely event of a default by Bass Coast Adult Learning.

Bass Coast Adult Learning are a community based organisation who provide a range of educational courses including Computers, Hospitality and Tourism, Hair and Beauty, Horticultural and Migrant English to young and mature adults in the Bass Coast region.

The initiative to fit out the buildings with solar panels will enable Bass Coast Adult Learning to reduce their electricity consumption with a corresponding reduction in their greenhouse gas emissions.

Council officers have confirmed that the building is suitable for the installation of solar panels, as proposed, providing the guidelines and checklist for the installation of solar panels are followed with works carried out by qualified solar installers. The installer must certify that the roof structure is sound and can cope with the weight of the panels and associated infrastructure.
There is currently no precedent for Bass Coast Council to provide loan guarantees to community based organisations nor does Council have a policy position on this. Notwithstanding this, the project which is closely aligned to Council’s emissions reduction strategic indicator and will also result in a tangible improvement to the occupied buildings which are on Council owned land.

**Strategic Basis**

**Council Plan Objective:**

Governance – *We are responsive, open, transparent and financially sustainable*

**Strategic Outcome:**

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

**Strategic Indicator:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</td>
</tr>
<tr>
<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus Implementation of monthly and year to date financial reporting, with plain English version for our Community Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community</td>
</tr>
</tbody>
</table>
Increased efficiencies as a result of information technology improvements

| Communications and Engagement Strategy 2015-18 actions implemented | Complete Strategy implementation by June 2018 |
| Develop and Implement a Revenue Strategy | Strategy developed and actions implemented |

**Major Initiative / Initiative**

The issue of a loan guarantee by Council to Bass Coast Adult learning Inc. will only result in a cost to Council in the unlikely event that they default on their loan. Should this occur the financial risk to Council is mitigated by the fact that the funds have been applied towards an improvement on a Council owned property.

**Strategies / Policies**

Council does not have an existing policy for loan guarantees and other indirect financial support to community based organisations. This is a one off request, however should Council receive further requests for similar financial support arrangements, consideration should be given to the development of a policy position to inform future decision making.

**Statutory Requirements/Codes/Standards/Policies**

Not applicable.

**Discussion**

The request by Bass Coast Adult Learning Inc. for indirect financial support in the offer of a loan guarantee should be recommended as:

1. The loan guarantee has no budgetary ramifications or direct cost to Council.
2. Approval of this loan is subject to a loan guarantee by Council.
3. The solar panel project will not proceed without this guarantee.
4. The proceeds of the loan will be used for the purpose of purchasing and installing solar panels on a property that is leased from Council.
5. The project will help Bass Coast Adult Learning Inc. reduce their carbon emissions and is closely aligned to the Council Plan of the Bass Coast Shire Council.
6. Bass Coast Adult Learning Inc. is a provider of a necessary community service, adult learning courses.
7. The building has been assessed as being able to accommodate solar panels. The dimensions of the solar panels are 1675 x 997 x 38mm. Council’s guidelines and checklist for the installation of solar panels will need to be followed and the installation needs be carried out by a suitably qualified solar installer.
Finances

As discussed the loan guarantee has no budgetary ramifications or direct cost to Council.

Stakeholders

Bass Coast Adult Learning Inc.

Other Options

Council could decline the request from Bass Coast Adult Learning Inc. to guarantee a loan that they are taking out for the purpose of installing solar panels on a Council owned building that they lease. This approach would in all likelihood result in a suboptimal outcome for both Bass Coast Adult Learning Inc. who may decide to cancel the project and continue to generate avoidable greenhouse gas emissions and Council whose reputation will be damaged as a result of its failure to provide reasonable indirect financial support to a community based organisation for a project that is aligned to its environmental Council Plan objective.

Conclusion

Council provide a guarantee for a loan of $10,000 that Bass Coast Adult Learning Inc. is taking out for the purpose of part funding the acquisition and installation of solar panels at a total cost of $16,500 on a property that it leases from Council. This is supported by the facts that there is no direct cost to Council, the improvements will be made to a Council owned property and the project supports Council’s strategic objective of reducing community generated greenhouse gas emissions.

Recommendation

That Council:

1. Provides Bass Coast Adult Learning Inc. with guarantee for a loan of $10,000 that it is taking out for the purpose of funding the acquisition and installation of solar panels on the property situate at 239 White Road, Wonthaggi.

2. Develops a Policy position that can be applied for the assessment of prospective grant requests and approvals for improvements to Council buildings.

Attachments

There are no attachments for this report.

Council Decision

Moved: Cr. Michael Whelan / Seconded: Cr. Clare Le Serve

That the recommendation be adopted.

CARRIED
Statutory Reports
Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Pamela Rothfield

That agenda items 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 be considered as a block.

CARRIED
I Statutory Reports

I.1 Assembly of Councillors

File No: CM19/52
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

Declaration
The reporting officer has no direct or indirect interest in this matter

Summary
Section 80A of the Local Government Act 1989 (the Act) requires all assembly of Councillors records to be reported on at the next practicable ordinary meeting of Council and to be recorded in the minutes of that meeting. This report intends to fulfil the requirements of the legislation.

Introduction
Section 3 of the Act defines an Assembly of Councillors as
‘a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be-

a. the subject of a decision of the Council; or
b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee-

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.’

Section 80A requires a written record to be kept of all such assemblies, stating the names of all Councillors and Council staff attending, the matters considered and any conflict of interest disclosures made by a Councillor. These records must be reported, as soon as practicable, at an ordinary meeting of the Council and recorded in the minutes.

Council Plan Objective:
Governance – We are responsive, open, transparent and financially sustainable

Strategic Outcome:
• Provide equitable distribution of resources across the Shire
• Be diligent in ensuring services meet community need and are cost effective
• Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

**Strategic Indicator:**

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<th>Measures</th>
</tr>
</thead>
<tbody>
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</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus</td>
</tr>
<tr>
<td></td>
<td>Implementation of monthly and year to date financial reporting, with plain English version for our Community</td>
</tr>
<tr>
<td></td>
<td>Implementation of monthly and year to date non-financial performance reporting, with plain English version for our Community</td>
</tr>
<tr>
<td></td>
<td>Increased efficiencies as a result of information technology improvements</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>
Below is a summary of the Assembly of Councillors records completed since the last Ordinary meeting of Council.

<table>
<thead>
<tr>
<th>Date</th>
<th>Assembly of Councillors</th>
<th>Councillors in attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 November 2018</td>
<td>Rural Engagement Group Meeting</td>
<td>Cr Pam Rothfield, Cr Michael Whelan</td>
</tr>
<tr>
<td>21 November 2018</td>
<td>Policy Workshop</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Les Larke, Cr Michael Whelan &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>28 November 2018</td>
<td>Policy Workshop</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Les Larke, Cr Michael Whelan &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>5 December 2018</td>
<td>Policy Workshop</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Les Larke, Cr Michael Whelan Cr Clare Le Serve &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>12 December 2018</td>
<td>Policy Workshop</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Les Larke, Cr Michael Whelan, Cr Clare Le Serve &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>12 December 2018</td>
<td>Community Connection Sessions</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Les Larke, Cr Michael Whelan Cr Clare Le Serve &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>19 December 2018</td>
<td>Policy Workshop</td>
<td>Cr Brett Tessari, Mayor, Cr Geoff Ellis, Cr Pam Rothfield, Cr Stephen Fullarton, Cr Michael Whelan, Cr Bruce Kent Cr Clare Le Serve &amp; Cr Julian Brown</td>
</tr>
<tr>
<td>22 January 2019</td>
<td>Community Road Safety Committee Meeting</td>
<td>Cr Bruce Kent</td>
</tr>
</tbody>
</table>

**Recommendation**

That the Assembly of Councillors Records be received.

**Attachments**

AT-1 Signed Assembly of Councillor Reports for February 2019 12 Pages
I.2 Planning and Building statistics - November 2018

File No: CM18/955
Division: Advocacy, Economy & Liveability
Council Plan Strategic Objective: Our Character
Celebrating the uniqueness of our townships

PERMITS REFUSED:
Nil.

PERMITS ISSUED:

Island Ward

170330: Subdivide the land into two lots located at 65 Churchill Drive, Cowes.
180197: Removal of Native Vegetation under Clause 52.17 and VPO2 located at 13 Peninsula View, Cowes.
180232: Subdivision of the land into 10 lots with approved associated works located at 232 Settlement Road, Cowes.
180237: Development of warehouses and associated works and waiver of car parking located at 13 Shorland Way, Cowes.
180248: Removal of an easement located at 32 Beach Road, Rhyll.
180255: Alteration and additions to a dwelling under a DDO1 located at 10 Chillingworth Road, Cowes.
180351: Subdivision of the land into 2 lots in GRZ1 and DDO1 located at 12-14 Bellavista Road, Cowes.
180386: The use of part of the land for an office (remedial massage) in the industrial 3 zone located at 18 Harvey Drive, Cowes.
180404: Extension to a dwelling in the Farming Zone located at 505 Cowes-Rhyll Road, Rhyll.
180417: Resubdivision of the land into four (4) lots located at 1/17-19 Barramundi Avenue, Smiths Beach.

Western Port Ward

180033: Subdivision of the land into two lots in a General Residential Zone Schedule I located at 18 Tatiara Drive, Grantville.
180124: Use and development of the land for a rural based activity and associated short stay accommodation located at CA12A Brick Kiln Road, Corinella.
180197: Subdivide the land into two (2) lots located at Lot 2 PS546954 Almurta-Glen Forbes Road, Glen Forbes.
180262: Subdivision of the land into two lots under GRZ1 and DDO1 located at 13 Bergin Grove, San Remo.
180306: Development of a single dwelling in the Bushfire Management Overlay located at 29 Bunya Drive, Cape Woolamai.
180370: Alterations and additions to a dwelling in a BMO located at 9 Ritchie Avenue, Cape Woolamai.
180373: Development of the land for a dwelling in the Heritage Overlay located at 19 Nouvel Crescent, Corinella.
180379: Alterations and additions to a dwelling in FZ, ESO1 and SLO3 located at 1230 Phillip Island Road, Newhaven.
180381: Development of the land for a dwelling in the Heritage Overlay located at 5 Piano Street, Corinella.
180393: Tree removal – Tree 2 located at 1 Tolley Avenue, Surf Beach.
180394: Tree removal – Tree 1 located at 1 Tolley Avenue, Surf Beach.
180395: Tree removal – Tree 3 located at 1 Tolley Avenue, Surf Beach.
180416: Development of a shed in a Farming Zone located at 80 Kongwak Road, Kongwak.
180446: Alteration to an existing dwelling in the SLO1 and ESO4 located at 10 Rees Street, Kilcunda.

Bunurong Ward

180153: Subdivide the land into two (2) lots located at 18 Surf Parade, Inverloch.
180214: Development of land with a dwelling over 7 metres in height in a DDO1 located at 7 Hopetoun Street, Inverloch.
180242: Development of the land for a dwelling located at 87 The Esplanade, Inverloch.
180252: Subdivision of the land into two lots in general residential zone SPEAR REF S126341C located at 107 Merrin Crescent, Wonthaggi.
180318: Subdivision of the land into two lots in GRZ1 located at 124 Wentworth Road, Wonthaggi.
180327: Subdivision of the land into 2 lots in GRZ1 located at 34B Freda Street, Inverloch.
180339: Change of land use to allow the operation of an Amateur Boxing Club (Restricted recreation facility) and alterations to the external building façade in C1Z located at 76 Watt Street, Wonthaggi.
180400: Development of the land for an outbuilding in the Heritage Overlay located at 3 Dunn Street, Wonthaggi.
180429: Development of a canopy in the INIZ located at 1/6 Cyclone Street, Wonthaggi.
# PLANNING AND BUILDING ACTIVITY REPORT FOR NOVEMBER 2018

<table>
<thead>
<tr>
<th>Statutory Planning</th>
<th>This month (November)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of applications determined within statutory timeframe</td>
<td>78</td>
<td>80</td>
<td>83</td>
</tr>
<tr>
<td>Average Gross Days (Responsible Authority determination)</td>
<td>88</td>
<td>82</td>
<td>92</td>
</tr>
<tr>
<td>(new) Average Gross Days to final outcome</td>
<td>99</td>
<td>93</td>
<td>105</td>
</tr>
<tr>
<td>Number of live applications</td>
<td>217</td>
<td>200</td>
<td>-</td>
</tr>
<tr>
<td>Number of applications received for the month</td>
<td>56</td>
<td>45</td>
<td>261</td>
</tr>
<tr>
<td>Number of Responsible Authority outcomes</td>
<td>43</td>
<td>4954</td>
<td>241</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Municipal Building Services &amp; Enforcement</th>
<th>This month (November)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Safety Measure inspections</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>(Commercial building owners must maintain and ensure all safety systems within their building are operational. This may include: Fire services, Exits, Emergency lighting, alarms etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pool &amp; Spa safety barrier inspections</td>
<td>2</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>(All swimming pool and spa owners are required to maintain a safety fence or barrier. Council is required to implement an audit program to ensure compliance is being achieved,)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Report and Consent applications determined</td>
<td>27</td>
<td>32</td>
<td>117</td>
</tr>
<tr>
<td>(Building proposals cannot always comply or fit into a required building envelope. Where this situation arises, Council may provide consent with respect to the non-compliance issue.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Siting consents issued for temporary structures</td>
<td>1</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>(Consent of the Municipal Building Surveyor must be obtained in order to erect marquees, grandstand or stages in association with any place of public entertainment or event.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complaints received requiring investigation</td>
<td>5</td>
<td>2</td>
<td>36</td>
</tr>
<tr>
<td>New building enforcement cases</td>
<td>0</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Number of open building enforcement cases</td>
<td>62</td>
<td>65</td>
<td>n/a</td>
</tr>
<tr>
<td>Building permits issued by Council</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>
Minutes of Ordinary Meeting - 20 February 2019

Bass Coast Shire Council

Planning Enforcement

<table>
<thead>
<tr>
<th>Planning Enforcement</th>
<th>This month (November)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of new planning cases</td>
<td>1</td>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>Number of live enforcement cases</td>
<td>149</td>
<td>149</td>
<td>n/a</td>
</tr>
<tr>
<td>Number of closed enforcement cases</td>
<td>1</td>
<td>2</td>
<td>n/a</td>
</tr>
<tr>
<td>Pre commencement meetings</td>
<td>7</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>Official warnings issued</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of planning infringement notices issued</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Number of VCAT enforcement orders issued</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of Magistrates Court prosecutions</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total infringements received ($)</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Number of CRS's closed</td>
<td>18</td>
<td>21</td>
<td>n/a</td>
</tr>
</tbody>
</table>

Recommendation

That Council:

1. Receives and notes the Planning Permits issued under delegation report for November 2018; and

2. Receives and notes the Planning and Building Activity Report for November 2018.

Attachments

There are no attachments for this report.
I.3 Planning and Building statistics - December 2018

**File No:** CM19/39
**Division:** Advocacy, Economy & Liveability
**Council Plan Strategic Objective:** Our Character

Celebrating the uniqueness of our townships

---

**Summary**

**PERMITS REFUSED:**
Nil.

**PERMITS ISSUED:**

### Island Ward

180034: Development of two dwellings and the retention of the existing dwelling (three dwellings) in a General Residential Zone Schedule 1 located at 18 Grandview Grove, Cowes.

180171: Develop the land for two dwellings located at 23 Redwood Drive, Cowes.

180247: Subdivision of the land into two lots and remove vegetation within General Residential Zone and Vegetation Protection Overlay Schedule 2 located at 29 Morgan Street, Cowes.

180288: Use and development of the land for a restricted retail premises (equipment hire) located at 20 The Concourse, Cowes.

180336: Development and use of the land for group accommodation in the Farming Zone located at 46 McHaffies Lane, Ventnor.

180426: Development of an outbuilding in the Farming Zone located at 12 McHaffies Lane, Ventnor.

180465: Remove, destroy or lop a tree located at 89 Silverleaves Avenue, Silverleaves.

180476: Subdivision of the land into two lots in the GRZ1 located 191 Church Street, Cowes.

### Western Port Ward

180210: Subdivision of land into two lots and development of the land for two dwellings located at 12 Palmer Street, Corinella.


180343: Subdivision of the land into two lots in GRZ1 and DDO1 located at 12 The Esplanade, Corinella.

180467: Development of the land for a verandah in the HO located at 38 Forrest Avenue, Newhaven.

180468: Alterations and additions to an existing dwelling in the FZ located at 2034 Dalyston-Glen Forbes Road, Glen Forbes.
180480: Subdivide the land into two (2) lots in the GRZ1 located at 17 Albon Street, Corinella.

**Bunurong Ward**

170358: Subdivision of the land into two lots in a General Residential Zone Schedule 1 located at 57 Fincher Street, Wonthaggi.

180190: Development of land for two dwellings located at 34c Freda Street, Inverloch.

180198: Subdivide the land into two (2) lots located at 9 Kanowna Place, Inverloch.

180250: Development of the land for a dwelling under a BMO1 located at 2 Pinnacle Close, Cape Paterson.

180272: Subdivision of the land into 2 lots located at 133 Broome Crescent, Wonthaggi.

180312: Development of the land for a dwelling in the DDO9 located at 2 Miller Terrace, Inverloch.

180325: Development of the land for a dwelling in a BMO located at 47 Silvereye Circuit, Wonthaggi.

180349: Subdivision of the land into 2 lots located at 11 Parkes Street, North Wonthaggi.

180362: Development of the land for a dwelling in BMO and ESO1 located at 20 Coastal Way, Inverloch.

180364: Use of the land for a restricted recreation facility (gym) in the Industrial 1 Zone, and waiver of the car parking requirement located at 5/6 Cyclone Street, Wonthaggi.

180365: Buildings and works to extend existing building located at 14 Loughran Drive, Wonthaggi.

180473: Development of the land for a shed in the Farming Zone located at 293 Inverloch-Venus Bay Road, Inverloch.

180385: Development of the land for a dwelling and outbuilding in the ESO1 located at 32 Coastal Way, Inverloch.

180402: Development of the land for a dwelling in the BMO located at 17-21 Viminaria Road, Harmers Haven.

180444: Development of the land for an outbuilding (garage/carport/workshop) in the FZ located at 245 Koetsveldt Road, Ryanston.

**PLANNING AND BUILDING ACTIVITY REPORT FOR DECEMBER 2018**

<table>
<thead>
<tr>
<th>Statutory Planning</th>
<th>This month (December)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of applications determined within statutory timeframe</td>
<td>64</td>
<td>78</td>
<td>80</td>
</tr>
<tr>
<td>Average Gross Days (Responsible Authority determination)</td>
<td>107</td>
<td>88</td>
<td>95</td>
</tr>
</tbody>
</table>
(new) Average Gross Days to final outcome | 109 | 95 | 105
Number of live applications | 208 | 217 | -
Number of applications received for the month | 38 | 56 | 299
Number of Responsible Authority outcomes | 45 | 42 | 285

<table>
<thead>
<tr>
<th><strong>Municipal Building Services &amp; Enforcement</strong></th>
<th>This month (December)</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essential Safety Measure inspections</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Commercial building owners must maintain and ensure all safety systems within their building are operational. This may include: Fire services, Exits, Emergency lighting, alarms etc.)</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Swimming Pool &amp; Spa safety barrier inspections</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(All swimming pool and spa owners are required to maintain a safety fence or barrier. Council is required to implement an audit program to ensure compliance is being achieved.)</td>
<td>0</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Report and Consent applications determined</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Building proposals cannot always comply or fit into a required building envelope. Where this situation arises, Council may provide consent with respect to the non-compliance issue.)</td>
<td>20</td>
<td>27</td>
<td>137</td>
</tr>
<tr>
<td>Siting consents issued for temporary structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Consent of the Municipal Building Surveyor must be obtained in order to erect marquees, grandstand or stages in association with any place of public entertainment or event.)</td>
<td>2</td>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>Complaints received requiring investigation</td>
<td>9</td>
<td>5</td>
<td>45</td>
</tr>
<tr>
<td>New building enforcement cases</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Number of open building enforcement cases</td>
<td>62</td>
<td>62</td>
<td>n/a</td>
</tr>
<tr>
<td>Building permits issued by Council</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>
### Recommendation

**That Council:**

1. Receives and notes the Planning Permits issued under delegation report for December 2018; and

2. Receives and notes the Planning and Building Activity Report for December 2018.

### Planning Enforcement

<table>
<thead>
<tr>
<th></th>
<th>This month December</th>
<th>Last month</th>
<th>Year to date (financial year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of new planning cases</td>
<td>1</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>Number of live enforcement files</td>
<td>149</td>
<td>149</td>
<td>-</td>
</tr>
<tr>
<td>Pre commencement meetings</td>
<td>1</td>
<td>7</td>
<td>17</td>
</tr>
<tr>
<td>Official warnings issued</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of planning infringement notices issued</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Number of VCAT enforcement orders issued</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number of Magistrates Court prosecutions</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total infringements received ($)</td>
<td>$805.95</td>
<td>0</td>
<td>$805.95</td>
</tr>
<tr>
<td>Number of CRS's closed</td>
<td>26</td>
<td>18</td>
<td>-</td>
</tr>
<tr>
<td>Number of closed enforcement cases</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Number of open complaints</td>
<td>29</td>
<td>13</td>
<td>-</td>
</tr>
<tr>
<td>Number of closed complaints</td>
<td>1</td>
<td>2</td>
<td>-</td>
</tr>
</tbody>
</table>

---

**Total 2017 – 1310**

**Total 2018 - 1369**
Attachments

There are no attachments for this report.
I.4 Quarter Two - Efficiency Report 2018/2019

File No: CM19/1
Division: Corporate & Community
Council Plan Strategic Objective: Governance

We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The purpose of this report is for Council to note the efficiencies that the organisation has found during 2018/2019. These efficiencies have been organised into three categories which include:

- Service Reviews
- Organisation Design and Productivity Savings
- Continuous Improvement

Council Officers continue to look for opportunities to review the way we provide services to ensure that they remain relevant and are as efficient as possible. Any savings identified will allow greater investment in Capital Works or a reduction in any need for rate increases in future years.

Background

The Council Plan articulates Council’s vision for the future of Bass Coast and outlines strategies to be used by Council in fulfilling the vision. The Chief Executive Officer is responsible for the delivery of services and initiatives that align to the achievement of the Council Plan (Plan).

Staff resources are aligned to ensure that the structure allows for efficient delivery of services and key initiatives identified within the Plan. Management continually reassess the structure of the organisation to ensure resources are best allocated to achieve good outcomes for our community.

Council has also committed to a culture of continuous improvement and review of processes and practices to ensure the way we deliver services is efficient, relevant and meets the needs of our community. Council has also committed to a series of Service Reviews which include the review of six services per year. The purpose of the service reviews:

- is designed to find operational efficiencies and innovations to deliver services to the community in accordance with the Council Plan and Long Term Financial Plan.
- is our commitment to continuous improvement in what we do.
in general, service reviews are designed to determine the level of service we will provide and the most appropriate strategic business model to provide that service.

Each of these initiatives provides Council with opportunities to identify savings and improvements.

**Strategic Basis**

**Council Plan Objective:**

*Governance – We are responsive, open, transparent and financially sustainable*

**Strategic Outcome:**

- Provide equitable distribution of resources across the Shire
- Be diligent in ensuring services meet community need and are cost effective
- Manage our financial resources and report on our performance
- Engage with the community on decisions that impact them
- Explore other alternatives for revenue opportunities

**Strategic Indicator:**

<table>
<thead>
<tr>
<th>Strategic Indicators</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Satisfaction with Council Decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Transparency of Council decisions</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community Satisfaction with Consultation and Engagement</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Community satisfaction with customer contact</td>
<td>Achieve the top quartile of Large Rural Councils</td>
</tr>
<tr>
<td>Local Government Performance Reporting Framework (LGPRF) – Financial Performance</td>
<td>Measures that are reported are within the top quartile for Large Rural Councils as identified in the LGPRF</td>
</tr>
<tr>
<td>Victorian Auditor General Office (VAGO) Financial Sustainability indicators</td>
<td>The Strategic Resource Plan and the Long Term Financial Plan to meet or better VAGO low risk indicators</td>
</tr>
<tr>
<td>Other financial and non-financial performance indicators</td>
<td>Adjusted underlying operation result aims to achieve an operating surplus</td>
</tr>
<tr>
<td></td>
<td>Implementation of monthly and year to date financial reporting, with plain English version for our Community</td>
</tr>
<tr>
<td></td>
<td>Implementation of monthly and year to date non-financial performance reporting, with plain English version for our</td>
</tr>
</tbody>
</table>
**Strategic Indicators**

<table>
<thead>
<tr>
<th>Measures</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Community</td>
<td>Increased efficiencies as a result of information technology improvements</td>
</tr>
<tr>
<td>Communications and Engagement Strategy 2015-18 actions implemented</td>
<td>Complete Strategy implementation by June 2018</td>
</tr>
<tr>
<td>Develop and Implement a Revenue Strategy</td>
<td>Strategy developed and actions implemented</td>
</tr>
</tbody>
</table>

**Finances**

All of the major efficiencies identified will be considered in the preparation of any future budgets and will be transferred to future Capital Works or to the reduction in any need for rate increases in future years.

All efficiencies will be in accordance with the Council Resolution from Council’s Ordinary Meeting of 22 April 2015:

*That future rate increases proposed in the long-term financial plan be reviewed when considering options for the application of savings achieved as a result of service reviews.*

**Stakeholders**

Council, Council staff, ratepayers, residents and visitors are all affected by the delivery of efficiencies across Council.

**Statutory Requirements/Codes/Standards/Policies**

The *Local Government Act 1989* states that the primary objective of Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

**Officer’s Conclusion and Recommendation**

The efficiencies and savings that have been identified are detailed in AT-1, they include:

**Service Reviews**

<table>
<thead>
<tr>
<th>Service</th>
<th>Efficiency Realised</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes to the service delivery of Aged and Disability from 31 December 2019*</td>
<td>$1M per annum</td>
</tr>
<tr>
<td>Restructure of the Arts and Culture team has allowed for a full time staff presence at the Wonthaggi Union Community Arts Centre.</td>
<td>Improved use of the theatre, greater variety and better support to community group using the Centre.</td>
</tr>
</tbody>
</table>

*Savings will be realised in the 2020-2021 Budget*
Organisation Design and Productivity Savings

<table>
<thead>
<tr>
<th>Department</th>
<th>Reduction of Effective Full Time (EFT) Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT Operations Coordinator*</td>
<td>1 EFT or $132,000</td>
</tr>
<tr>
<td>IT Helpdesk Officer*</td>
<td>1 EFT or $100,000</td>
</tr>
<tr>
<td>Business Systems Coordinator*</td>
<td>1 EFT or $124,000</td>
</tr>
<tr>
<td>IT System Administrator*</td>
<td>1 EFT or $115,000</td>
</tr>
</tbody>
</table>

*Savings will be realised in the 2019/20 Budget

Continuous Improvement

<table>
<thead>
<tr>
<th>Activity or Process</th>
<th>$ Savings or Hours Saved</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-house production of Visitor Information Centre promotion video</td>
<td>$1,500</td>
</tr>
<tr>
<td>Increase in number of planning permits being assessed with the same resource level</td>
<td>Increase of 43 permits assessed in 2017 to 2018</td>
</tr>
</tbody>
</table>

Recommendation

That the 2018/2019 Efficiency Report be received.

Attachments

AT-1 2018 2019 Q2 Efficiency Report 10 Pages
I.5 Place Names Committee Meeting Minutes

File No: CM19/70
Division: Corporate & Community
Council Plan Strategic Objective: Governance
We are responsive, open, transparent and financially sustainable

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

Council's Place Names Committee met on 23 January 2019. A copy of the minutes for the meeting is attached for information.

At the meetings, the Committee considered the following issues (which are outlined in greater detail in the meeting minutes):

1. Victoria Road, Ventnor and Victoria Court, Cowes – name duplication
2. 53 Phillip Island Road, San Remo – duplication of address
3. Loch Street Wonthaggi – two sections of Loch Street divided
4. Carneys Road, Wonthaggi – renaming of southern end
5. 15-18 Beach Road, Rhyll – update on numbering/naming of common property
6. Other business and updates.

Recommendation

That the minutes of the Place Names Committee meeting held on 23 January 2019 be received.

Attachments

AT-1 MINUTES - Place Names Committee Meeting 23 January 2019 PDF 6 Pages
I.6 Contracts Awarded Register

File No: CM19/71  
Division: Corporate & Community  
Council Plan Strategic Objective: Governance  
We are responsive, open, transparent and financially sustainable

Declaration  
The author has no direct or indirect interests in relation to this report.

Summary

Contracts Awarded  
For the period from 1 November 2018 to 31 December 2018, the following contracts were awarded under the Chief Executive Officer’s Instrument of Delegation.

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Description</th>
<th>Contractor</th>
<th>Contract Sum Including GST</th>
</tr>
</thead>
<tbody>
<tr>
<td>18003</td>
<td>Supply and Install Solar Panels Wonthaggi Civic Centre</td>
<td>Energy Makeovers Pty Ltd</td>
<td>$128,610.90</td>
</tr>
</tbody>
</table>

Contracts Extended  
For the period from 1 November 2018 to 31 December 2018, the following contracts were extended under the Procurement Delegation Framework.

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Description</th>
<th>Contractor</th>
<th>Contract Sum Including GST for Extension Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>15022</td>
<td>Annual Supply of Asphalt</td>
<td>Gippsland Asphalt Pty Ltd</td>
<td>N/A*</td>
</tr>
</tbody>
</table>

* There is no sum committed by the award of these contract extensions. Contractors supply a schedule of rates under which Council would engage them, if required, and within established budgets.

Recommendation  
That Council receives the report.

Attachments  
AT-1 Contract Register Report 18003 2 Pages  
AT-2 CONFIDENTIAL - Executed Contract Extension Report 15022 3 Pages
Council Decision

Moved: Cr. Geoff Ellis / Seconded: Cr. Pamela Rothfield

That the recommendations attached to agenda items 1.1, 1.2, 1.3, 1.4, 1.5 and 1.6 be adopted.

CARRIED
J    Urgent Business

There was no Urgent Business.
Mayoral Announcement Of Next Meeting Of Council

The next Community Connection Session will be held on 13 March 2019 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 3.00pm.

The next Ordinary Council Meeting will be held on 20 March 2019 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

Council Decision

Moved: Cr. Pamela Rothfield / Seconded: Cr. Geoff Ellis

That the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider this item as it deals with:

(d) Contractual matters;

CARRIED

Meeting adjourned

The meeting was adjourned at 6.17pm

Meeting resumed

The meeting resumed at 6.23pm
Items Closed to the Public

Excerpt of Section 89 of Local Government Act 1989.

(2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:

(a) Personnel matters;
(b) The personal hardship of any resident or ratepayer;
(c) Industrial matters;
(d) Contractual matters;
(e) Proposed developments;
(f) Legal advice;
(g) Matters affecting the security of Council property;
(h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
(i) A resolution to close the meeting to members of the public.

(3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.
K Confirmation of Closed Minutes

K.1 Minutes of Closed Ordinary Meeting held on 19 December 2018

L Reports Requiring Council Decision Closed to the Public

L.1 Wonthaggi Depot Land Purchase

It is recommended that the meeting be closed to members of the public pursuant to Section 89 (d) of the Local Government Act 1989, to consider this item as it deals with contractual matters.

Council Resolution

Moved: Cr. Pamela Rothfield / Seconded: Cr. Michael Whelan
That the meeting be reopened to the public.

CARRIED

Meeting closed

The meeting closed at 6.33pm